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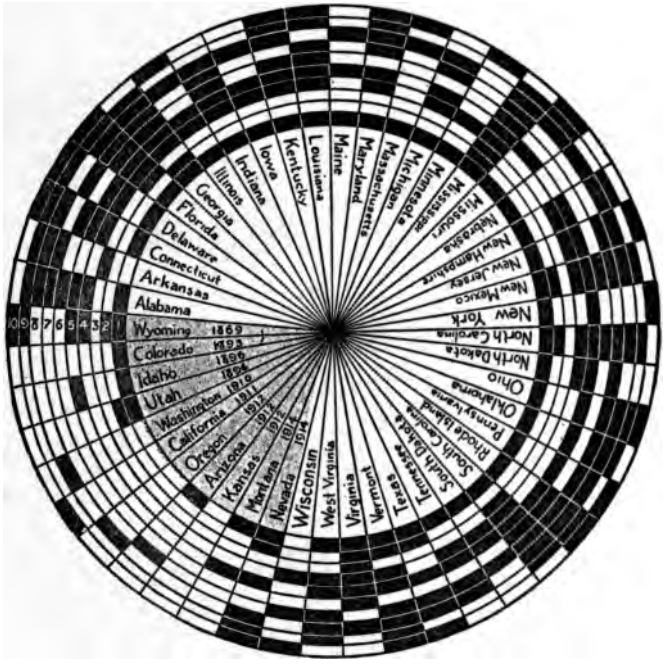
THE WOMAN VOTER'S MANUAL

THE WOMAN VOTER'S MANUAL

Important Legislation in the United States Affecting Women and Children



WHITE SPACES INDICATE GOOD LEGISLATION, BLACK SPACES POOR OR NO LEGISLATION, COLOR SPACES FULL SUFFRAGE STATES

Circle 1 Industrial Welfare Commission to regulate hours, wages and working conditions of women and children

2 Child Labor—14 year limit. Guarded exemptions during vacations are allowed and poverty exemptions when these are neutralized by Mothers' Pensions laws

Circle 3 Compulsory education—State wide

4 Eight or nine hour day for women

5 Minimum wage

6 Mothers' pensions

7 Equal guardianship

8 Age of consent, 18 years—chaste or unchaste

9 Red light abatement

10 Prohibition

Note: Neither Illinois nor any of the Victory States of 1917 are included as full suffrage states in chart analysis

THE WOMAN VOTER'S MANUAL

BY

S. E. FORMAN

AND

MARJORIE SHULER

WITH AN INTRODUCTION BY

CARRIE CHAPMAN CATT

NEW YORK

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1918

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This book is sent forth to meet the evident desire of the American woman to know more about her government. Its purpose is not to satisfy that desire but to stimulate it. The facts which it contains about the government have been selected mainly from one of Dr. Forman's books, "The American Republic." The introduction for the woman voter has been written by one whose supreme gifts are helping to bring about world recognition of the relationship between woman and government, Mrs. Carrie Chapman Catt, president of the International Woman Suffrage Alliance and of the National American Woman Suffrage Association.

MARJORIE SHULER.

INTRODUCTION

THE VOTE AND THE VOTER

By Carrie Chapman Catt

President of the National American Woman Suffrage Association and of the International Woman Suffrage Alliance

Of the 27,011,330 women of voting age in the United States, more than one-third are now enfranchised, either as voters for presidential electors, or as fully as our present national laws permit women to be enfranchised. No woman in the United States is yet enfranchised as is her husband or her father or her son or her brother, and will not be until woman suffrage is incorporated in the national constitution. Not even then, unless she can come to hold her naturalization in her own person instead of as a cloak to be put on and off as she marries, unmarries or is widowed.

Whatever the voting strength of these more than 9,000,000 women of voting age may be, the fact of

practical value for such a book as the present one is that a large and ever increasing number of women citizens are avid for information on the new questions of local, State and national government which women and men must now decide together. They are coming up to these questions with a vivid new personal interest that bids fair to lift "civil government" out of the cold aloofness of academic discussion on the one side, and the "mire of politics" on the other. To be bromidic, women are going to humanize questions of government. That will not be, I think, because only to woman is given the human outlook on life, but because the human is composite of men and women and the human in the outlook of both is stirred and developed through cooperative rather than segregated work.

As emergent voters the women of America are today facing the same fundamental questions as to the new responsibility as are the young American man of twenty-one and the immigrant. The enfranchisement of woman, the coming of age of the young man, and the naturalization of the immigrant—there you have the three agencies through which the electorate of America is to be kept in a state of inquiry and action instead of in a condition of acquiescence and being.

A prime difference in the three cases is that the

woman is asking all the questions that the other two ought to ask but do not. Of course it would be the woman who would ask the questions. For one thing, it does not go so hard with women to admit their ignorance as it does with men. For another, woman has had to fight for suffrage while the young man was acquiring it as he acquired his moustache, by the simple expedient of getting older, and the immigrant man was acquiring it by the simple expedient of living in America long enough to take on some of those American ideals and commitments into which the woman, if native, was born; and having fought for the suffrage, the fight has informed woman with a special sense of the value in the thing fought for, and a special desire fully to understand it. Suffragists alone would start the questions, but it is not suffragists alone among women who want the answers. The antis mean to vote, the indifferent mean to vote.

In the result, texts on civil government become at one leap of intimate value. Instead of remote summaries of the function of the "judiciary, the legislative, the administrative," that of which they treat is identified as breakfast table talk—the mayor's appointments, home rule for cities, what the legislature is doing with the child labor bill, what Washington will do with bills defining the authority of the government in its war control of this, that, or the

other. There is an acute recognition of "the government" as a matter of close contact and an immediate intention to understand it better. And conversely, from now on, thanks to woman's enfranchisement, achieved or impending, it will be necessary for the government to understand woman better, so that the give-and-take, the reflex from woman suffrage into the body politic, and out again upon the community, may be the better assimilated.

WOMAN SUFFRAGE A WAR MEASURE

When the world war began shaking the existing ideas of government about, it had the effect upon them that is produced by shaking a barrel of apples, the little ones went to the bottom and the big ones came to the top. Consider some of the first little apples to go out of sight. In Italy and in France women had distinct civil disabilities such as the necessity of getting their husbands' authorization before they could act in legal matters. These ideas have not only sunk to the bottom of the barrel, but have apparently shrunk to a size which has permitted them to fall through cracks and disappear. In a cataclysm which has destroyed class distinctions by demanding leadership from all classes, sex discrimination could no longer endure in the light of the complete sacrifice for service shown by both sexes. In Italy and France

municipal suffrage is in process of establishment. It is urged by statesmen as much as by woman suffragists. In France it is indeed a necessity, since in many communities the only people left to protect the standards of life are loyal women who have served their country no less ably than the front line soldiers who have given their lives for France.

The fiercest opponents of woman suffrage in England have demonstrated no little ingenuity in their lightning changes from adamantine hostility to suffrage to fervid acceptance of it.

Democracy has become a password. Every state paper and suggested basis of peace drives home, as with bayonet thrusts, the basic fact that for the word democracy, one may now substitute the phrase "government derives its just powers from the consent of the governed."

Outside of Germany it would be hard to find a statesman with the temerity to gainsay this. Up to date Germany is the only great country which has failed to grasp the fact that this is the real issue of the war. Outside of Germany there are few political leaders—and those few mainly men advanced in years—who do not now know that women are among the "governed." By its recent Franchise Reform Bill, Hungary has demonstrated that the two vital issues, "government by the people" and "women are peo-

ple," are recognized as fundamental to the life of that nation.

WHAT SHE DOES WITH THE VOTE WHEN SHE GETS IT

In the United States the great suffrage victories of the year 1917 have urged the question on beyond interest in its merits or the abstract justice involved in it, to the practical application of it. Whether women vote when they can; what they do with their votes when they get them; and the effects of their enfranchisement upon home and community are, fortunately, demonstrable propositions. In every full voting State in which the records are sufficiently complete to form a basis of judgment, three things have been established: women register and vote in about the same proportion as men; they show an intelligent interest in elections, and they double the voting strength of their states with a comparatively small increase in voting paraphernalia.

Knowledge of the kinds of legislation attempted or achieved by voting women likewise rests upon facts. The legislation accomplished follows the psychology of women; it follows the matters in which they are most vitally interested. If there is truth in the theory that men and women are different, it clinches the absolute need for women in political life. In New Zealand, where women have voted for twenty-

five years, the infant death rate is lower than in any other part of the world. And the New Zealand methods of caring for the health of women and children are cited as models by authorities. A burning grievance of mothers for countless years was the fact that in the eyes of the law the children they had borne did not belong to them; they belonged to the fathers. When a controversy arose over the disposition of the child, or its religious education, or the right to inherit from it, the advantage has always lain with the father. As soon as woman began to emerge as a social entity, even before she had the vote, this deep suffering of mothers found voice. For seventy years mothers have struggled for an equal share with fathers in the control of their own children. In almost every full suffrage State in the Union this matter has received a first consideration and equal guardianship obtains in every State where women vote on the same terms as men. It does not obtain to any such extent where fathers only vote, as only twenty-five per cent. of the thirty-six male suffrage States have this law. The District of Columbia's equal guardianship law is the result of the hard work of a woman lawyer.

Six of the woman voting States have secured an eight-hour day for women. Not one male suffrage State has done so. Sixty-three per cent. of the full suffrage States (New York not included) have a min-

imum wage law, less than fourteen per cent. of the man-suffrage States have one. Every full suffrage State has a mothers' pension law. Ninety per cent. of the full suffrage States (New York not included) have the injunction and abatement law.

Recently the Chicago Chief of Police sent out a call for a woman protective police force as a war measure. Behind this recognition of the fact that women can be relied upon as a rear guard, lies an interesting history of a movement to use women as police even in normal times of peace. This movement, both in England and the United States, was initiated by women, urged by women, and steadfastly defeated in America until women got the vote. The mere possession of the franchise by the women of Chicago, before they had a chance to put it in practice, acted as a lever to set the Chicago women police idea on its feet. What the women police have meant in time of war is a momentous chapter not yet written.

Women voters in Illinois, California, Colorado, Washington, and Montana are on record as having achieved such domestic legislation as state-wide laws concerning food inspection. Earl Barnes reports that he has seen "nowhere else such statutes as fearlessly and vigorously enforced as in Idaho."

Montana is, next to New York, one of the youngest

children in the suffrage group. It gained enfranchisement in 1914, yet by 1916, the first political campaign in which the women voters participated, old political wheel horses were astonished at the concentration of effort and energy exhibited by the whole woman electorate of Montana. A woman State Superintendent of Public Instruction, who ran entirely upon her special qualifications, and was supported by the women because of her fitness, was elected by an overwhelming majority. Other legislation worked for by women in their first campaign in Montana included an eight-hour day for women, improvements in the mothers' pension law, establishment of a child welfare division of the Department of Public Health and an expert survey of the feeble-minded of the State. Colorado's Juvenile Court Law has been called by the head of the National Child Labor Committee "one of the best, if not the best."

As she has become possessed of the vote, the female of the species has proved herself rather fundamentally averse to office-seeking. The practice of women in full suffrage States has been to occupy such public positions as logically develop out of their special training. Women, who make up eighty per cent. of the teaching profession and who as parents are vitally in touch with the needs of childhood, have in all

full suffrage States acceptably filled local and state positions as superintendents of public instruction or as members of school boards or as commissioners of Public Welfare in connection with the labor of women and children. In some instances marked ability or experience in these lines has led them into legislative positions. In full suffrage States the woman lawyer is naturally less impeded in her advance from post to post in her own profession than her professional sister in non-suffrage States. The woman doctor mounts the rungs of her ladder less weighed down with artificial burdens. The point in all this is the reassuring fact that the state undergoes no volcanic wrench when women participate in its political career. What women are bound to do anyway, whether because of natural abilities or personal inclinations or because of economic and industrial pressure, they do with fewer handicaps when they have the franchise than when they have n't it. Experience also shows that the large social movements by which all mankind is affected predetermine these matters for women as well as for men. When vast numbers of women are needed in industry they go into it. If such a situation arises, justice and expediency both demand that women should be protected by their own ballots, not by so-called representative ballots, as on the face of it no one ballot can be

counted upon to express two persons' "consent" in government.

An obsession exists among some men lest women begin at once to untie all the neat packages into which political parties have tied their inherited traditions. A few men are still shuddering lest women will want to revolutionize banking legislation, throw the tariff overboard and run amuck amongst stocks and bonds. In the first place, they never have done anything of the sort in any State where women vote, and in the second place, women are conservative spenders. A reproach against them has been their timidity in thinking in the gross. They have so long thought in littles.

NO SEX SEGREGATION IN POLITICS

Woman, the voter, disproves too, all along the line, the contention that there will ever be a distinct woman's party in the history of the United States. Human interests find few such vertical lines of cleavage between the sexes. It is inconceivable that the thousands of homes in the country could ever be split apart longitudinally. If the extraordinary injustices against women permitted by men in past generations have never yet bred up a group of women combined for attack, is it likely that, as those grievances are more and more removed and men's and women's in-

terests become more and more identical, there will ever be a collective strife of women against men? Human needs are normally group needs, family needs, or needs of industrial units. Society may split apart in horizontal sections with whole groups of men *and* women on each side of the line. And when it does, women will be found valiant in supporting the measures they espouse. But because of the very structure of human society it will never happen that masses of women will have a desire to cohere in opposition to masses of men. Nature and personal affections would soon prove too strong for such political differentiations. It is together, as human beings, not as men and not as women that the voters of the United States are moving forward into the new democracy with its larger questions and its finer and surer answers.

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THE WOMAN VOTER'S MANUAL

Victory Map of 1917

THE WOMAN VOTER'S MANUAL

CHAPTER I

POPULAR GOVERNMENT

A GOVERNMENT which receives its powers from the people is a democratic or popular government, and a state in which popular government prevails is a *democracy*. The United States is a democracy, for here political power everywhere flows from the people. The President of the United States, the Congress, and the national Supreme Court, all receive their powers from the Constitution of the United States, and this Constitution is a creation of the people **(1)**[1] of the United States; the government of a State [2] receives its powers from the people of the State; a city or a town or a county is governed by the people who reside within its borders. Thus in the United States the will of the people prevails not only in the country taken as a whole but in all its parts as well. This is

[1] The numbers in heavy-faced type refer to passages in the Constitution of the United States (Appendix A) which are distinguished by corresponding numbers on the margin.

[2] In this book when the word "state" begins with a capital letter one of the members of the American Union is meant.

the fundamental principle of the American government.

A popular government may have the form either of a *pure democracy* or of a *representative government.* In a pure democracy the voters transact the business of government in person; they not only choose the officers of government but they enact laws as well. A *representative government* is a popular government in which power is exercised by chosen agents (representatives) of the people, instead of being exercised directly by the people. A country which is governed by representatives elected by the people is a *representative democracy* or *republic.* In a representative democracy the people rule no less than in a pure democracy, but they rule indirectly.

The United States is a representative democracy. Our President and our governors and mayors and, in most instances, our judges, are chosen agents of the people. The officers of government who are not directly elected by the people are appointed by direct representatives, and are thus not far removed from the voters.

The people of a free state will not confer all the power of government upon one person, or upon one body of persons. Experience has taught that it is better to divide governmental power into three portions, and to establish three departments of government, allotting to each department its own peculiar portion. The three departments of a popular government are: (1) The *legislative* department, upon which is conferred the power of making laws; (2)

the *judicial* department, which is entrusted with the power of deciding how the law shall apply in particular cases when disputes arise; (3) the *executive* department, which is vested with the power of enforcing laws.

A government may be democratic in form and spirit, it may be thoroughly representative, it may have the three branches clearly separated, and still there may be no guarantee that civil liberty will be permanently enjoyed. For officers of government are liable to abuse power, or to choose a wrong or unjust course of action. Americans have been taught by experience that rights may be safeguarded and civil liberty preserved by imposing upon themselves a fundamental law in the form of a written constitution.

The fundamental law of our country, taken as a whole, is the Constitution of the United States. Each State also has a constitution which it has framed for itself. Government in America, therefore, is everywhere conducted according to the written word; it is everywhere constitutional.

The first American constitutions were promulgated in the name of the people, yet they were not as a rule the direct creations of the people. The statesmen who framed them did not have a very strong faith in the wisdom of the people, and were not quite willing to submit a fundamental law to a popular vote. As democracy grew more fashionable, and as the people came to be more fully recognized as the real masters of government, the custom of submitting consti-

tutions to voters for their approval became general. At the present time a constitution is usually ratified by the people at the polls before it is put into operation. This popular ratification clothes the constitution with all the authority that a law can possibly have, for it is a law passed by the people themselves acting as legislators. A constitution, therefore, is a solemn and deliberate expression of the popular will, and as such it is a fixed, permanent law which all citizens and all officers of government must obey.

Although a constitution is a fixed law, it may not remain unchanged forever. A provision in a constitution which was wise and just fifty years ago may be harmful now. Every constitution recognizes this fact, and provides for making changes, when these may seem necessary. These changes or *amendments* are effected in various ways, the usual procedure being as follows: the amendment that is thought to be desirable first passes the legislature of the State and is then submitted to the people for their approval. If it receives the required number of votes—frequently a majority of all the votes cast—it becomes a part of the constitution and cannot be repealed by the legislature.

Constitutions provide not only for their own amendment, but also for their own complete revision. They provide for the calling of a *constitutional convention*, which shall have power to revise the old constitution and frame a new one. A general revision of a State constitution is usually accomplished in the following way: The legislature submits to the people the ques-

tion whether or not a convention shall be called to frame a new constitution. In several States this question must be submitted to the voters every twenty years; in Michigan it must be submitted every sixteen years; in Iowa every ten years. If the vote is in favor of a convention, delegates are elected, and the work of revision begins. It is the custom to submit the revised constitution to the people for their approval, although this is not always done.

There are four processes by which the Constitution of the United States may be amended. These are: (1) and (2) Congress, by a two-thirds vote of both houses, may submit an amendment to the States for ratification (**122**) and if the amendment thus submitted is ratified by the legislatures of three-fourths of the States, *or* by Conventions in three-fourths of the States, it becomes a part of the Constitution; (3) and (4) a national Constitutional Convention, called by Congress upon the application of the legislatures of two-thirds of the States, may submit an amendment to the States for ratification and if the amendment thus submitted is ratified by the legislatures of three-fourths of the States, *or* by Conventions in three-fourths of the States, it becomes a part of the Constitution (**123**).

CHAPTER II

THE RIGHTS OF CITIZENSHIP

THE rights flowing from American civil liberty may be divided into two classes, civil rights and political rights. Civil rights are those which a person enjoys as a private citizen, as an individual. They are enjoyed under the authority and sanction of government, but they are not related to the subject of government. Political rights are those which belong to a citizen regarded as a participator in the affairs of government: they may be called the public rights of citizenship.

The fourteenth amendment to the Constitution declares that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside." Under this definition the following have been adjudged to be citizens of the United States:

(1) All persons born in the United States excepting the children of diplomatic agents and of hostile aliens.

(2) Children born in foreign countries whose parents at the time of their birth were citizens of the United States.

(3) Women of foreign birth married to citizens of the United States.

(4) Indians who pay taxes and no longer live in tribal relations.

(5) Naturalized persons. The process of naturalization is as follows: At least two years before he can be admitted as a citizen the alien must appear before a State or a federal court and take an oath that it is his intention to become a citizen of the United States and "to renounce forever all allegiance and fidelity to any foreign prince or state and particularly to the one of which he may at the time be a citizen or subject." He must also swear to support the Constitution of the United States. Not less than two years nor more than seven years after this declaration of his intentions the alien may apply to a federal or State court for full admission as a citizen. If the judge of the court is satisfied that the alien is able to speak the English language and write his own name, that he has resided in the United States for five years, and that he is a person of good moral character, full citizenship will be conferred. A person thus naturalized has the same rights as native born citizens of the United States except that he cannot become the President or Vice-President of the United States (**86**). The children of naturalized persons are considered as citizens if they were under twenty-one years of age and were dwelling in the United States at the time of the naturalization of their parents. Alien Chinese and Japanese are not entitled to be naturalized. Persons professing the doctrines of anarchy and openly

opposing all form of organized government are also refused the gift of naturalization.

The rights of American citizenship flow from two sources, from the State and from the nation. Since each State in a large measure determines for itself the character of the civil liberty that is to be enjoyed within its borders, the rights of an American citizen are not everywhere the same. As we travel through the States our rights change every time we pass from one State into another. When the citizen of one State enters another State he has the rights of the citizens of that State (116), and those rights only. There are, however, certain civil rights which are enjoyed in every State in the Union and which may be called the civil rights of State citizenship. These are the rights guaranteed in the State constitutions. In the constitution of almost every State it is declared:

(1) That all men have the right of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness;

(2) That men have a right to worship God according to the dictates of their own conscience, and that no preference by law should be given to any religion, and that no person should be disqualified for office on account of his religious belief;

(3) That trial by jury is a right inviolate;

(4) That the printing-press shall be free, and that every citizen may freely print, write and speak on any subject, being responsible for the abuse of this privilege:

(5) That people shall be secure in their persons, houses, papers and possessions against unreasonable searches and seizures, and that no warrant to search any place or seize any person shall issue without probable cause:

(6) That in all criminal prosecutions the accused has a right to be heard by himself and his counsel, to meet witnesses face to face, to compel witnesses who are in favor to come to court and testify, and to a speedy trial by an impartial jury:

(7) That no person can be compelled to give evidence against himself, nor be deprived of his life, liberty or property unless by the law of the land:

(8) That no person for the same offense shall be twice put in jeopardy of life and limb:

(9) That all courts shall be open and that every man shall have justice without sale, denial or delay:

(10) That excessive bail shall not be required, nor excessive fines be imposed, nor cruel punishment inflicted:

(11) That all prisoners shall be bailable by sufficient sureties, unless for capital offenses:

(12) That the writ of habeas corpus shall not be suspended unless in time of rebellion or invasion. Whenever a man is placed in confinement against his will and the fact is made known to a judge of a court, the judge, unless he knows the confinement is legal, is bound, upon application, to issue *immediately* a writ, called *habeas corpus*, commanding the prisoner to be brought before him for examination. If there seems to be cause for the detention of the prisoner

he is sent back to prison to await a full trial; if there seems to be no cause he is set free:

(13) That there shall be no imprisonment for debt, unless in cases of fraud:

(14) That citizens have a right to assemble in a peaceable manner and to apply to the rulers for a redress of grievances:

(15) That the military shall at all times be kept in strict subordination to the civil power:

(16) That no soldier in time of peace shall be quartered in any house without the consent of the owner.

The first section of the fourteenth amendment to the Constitution (150) creates a distinct federal citizenship, and provides that no State shall abridge the privileges of that citizenship. What are the privileges which a citizen of the United States enjoys and which no State can abridge?

At present it is possible to enumerate the following as the rights of federal citizenship,—rights which flow from the Constitution, which belong to every citizen of the United States, and which cannot be denied by State authority:

I. *Due Process of Law.* No person in the United States shall be deprived of life, liberty or property without due process of law. Here is a right which no State can abridge (151) and which the federal government itself cannot deny (152). A person seeking justice, whether in civil or criminal cases, under his right of due process may demand (1) that there be a court of law for the trial of his case; (2) that the proceedings of the trial be regular; (3) that

the trial be fair. What the regular course of procedure in a State court shall be is a matter for the State itself to determine; but after the State has once decided upon the course that justice shall take, after it has once established the processes of law, it cannot deprive any person of the benefits that arise from those processes.

II. *Equal Protection of the Laws.* "Every person within the jurisdiction of any State, whether he be rich or poor, humble or haughty, citizen or alien, is assured of the protection of equal laws (**152**)—applicable to all alike and impartially administered without favor or discrimination." (*Guthrie.*)

III. *Protection on the High Seas and in Foreign Countries.* A citizen of the United States, in whatever part of the world he may be, is entitled to protection against injustice or injury, and this protection is a right of federal citizenship, and is extended by the federal government.

IV. *State Citizenship.* Every citizen of the United States has a right to become a citizen of a State by a *bona fide* residence therein, and as a citizen of the State he has all that large body of rights which always belongs to State citizenship.

We now come to the subject of *political rights* as distinguished from civil rights.

Political rights invest the citizen with the privilege of participating in government, and consist of the right of voting at elections and of holding public office. These rights are an outgrowth of the struggle for civil rights.

Authority for granting the suffrage and defining the qualifications of voters resides chiefly in the State. The only restriction upon the power of the State to regulate the elective franchise is found in the fifteenth amendment to the Constitution, where it is declared that the right of citizens of the United States to vote shall not be abridged by any State on account of race, color or previous condition of servitude (**159**). As long as the State does not violate this amendment it is free to regulate the suffrage in its own way.

When we observe how widely the political conditions in one State differ from those in another, and consider how great is the opportunity for a variety of regulations in reference to voting, the laws governing the suffrage throughout the Union seem to be remarkably uniform. This uniformity is due in part to democratic spirit of equality, and in part to the provisions of the fourteenth and fifteenth amendments.

In all the States the age qualification for voting is twenty-one years; in all the States a previous residence within the State varying from six months to two years is required; in thirty-eight States a voter must be a citizen of the United States; in ten States aliens may vote; in all the States but nine there is an absence of anything like an educational qualification. In all the States certain classes of persons are excluded from the privilege of voting. Chief among these are lunatics, idiots, paupers and convict criminals.

The right of holding office is more indefinite than

the right of suffrage. It may be stated as a general rule that any one who may vote is qualified to hold office. Qualifications for the occupants of most offices are prescribed by law, and these of course must be met. When there are no special legal qualifications attached to an office it may usually be held by any one who can get himself elected or appointed to it. A person who, as a State official, has taken an oath to support the Constitution of the United States and who has afterwards joined in rebellion against the United States is debarred from holding office (**155**).

The American voter should regard himself as an officer of government. He is one of the members of the *electorate,* that vast governing body which consists of all the voters, and which possesses supreme political power, controlling all the governments, federal and State and local. This electorate has in its keeping the welfare and the happiness of the American people. When, therefore, the voter takes his place in this governing body, that is, when he enters the polling-booth and presumes to participate in the business of government, he assumes serious responsibilities. In the polling-booth he is a public officer charged with certain duties, and if he fails to discharge these duties properly he may work great injury. What are the duties of a voter in a self-governing country? If an intelligent man will ask himself this question and refer it to his conscience, as well as deliberate upon it in his mind, he will conclude that he ought at least to do the following things:

(1) To vote whenever it is his privilege.

(2) To try to understand the questions upon which he votes.

(3) To learn something about the character and fitness of the men for whom he votes.

(4) To vote only for honest men for office.

(5) To support only honest measures.

(6) To give no bribe direct or indirect, and to receive no bribe direct or indirect.

(7) To place country above party.

(8) To recognize the result of the election as the will of the people and therefore as the law.

(9) To continue to vote for a righteous although defeated cause as long as there is a reasonable hope of victory.

CHAPTER III

CONGRESS

THE most important department of the United States government when considered as a representative democracy is Congress, with its two houses—the Senate and the House of Representatives—chosen directly by the people and answerable to them alone for its acts. Each State is represented in the Senate by two senators, making 96 in all. A candidate for senator must be at least 30 years old, have been nine years a resident of the United States and must be a resident of the State he represents. The senators for each State are elected by all the voters of the State. The members of the House of Representatives are elected one from each of the congressional districts into which a State is divided for purposes of representation. The basis for representation is one member for each 211,877 of the population, making 435 members of the House of Representatives. A candidate for representative must be at least 25 years old, must have been for seven years a resident of the United States, and must be a resident of the State in which he is elected.

Every year on the first Monday in December (25) Congress assembles in the Capitol at Washington, the Senate occupying the north wing of the building and

the House the south wing. It convenes and adjourns by virtue of constitutional authority, and not by virture of a summons or an order from the executive (25).

The President, however, may on extraordinary occasions convene Congress in an extra session (100), and he may also adjourn Congress if the two Houses cannot themselves agree upon a day for adjournment (101).

A majority of the members of each house constitutes the quorum necessary for the transaction of business. When making laws the two Houses must carry on work during the same period of time, although either House may sit alone for a period not exceeding three days (31).

The first Congress began its legal existence March 4, 1789, and expired at the hour of noon March 4, 1791, when the term of the first elected representatives ended; the second Congress came into power March 4, 1791, and ended its career March 4, 1793; the third Congress began March 4, 1793, and ended March 4, 1795; and thus on to the present time. From this we learn (1) that Congresses are numbered according to the biennial periods for which representatives are elected, and (2) that the legal existence of Congress begins on March 4 following the election of representatives and ends March 4, two years later. Representatives are elected in November —except that in Maine and Vermont, they are elected in September—but, unless an extra session is called, they do not actually enter upon their duties until the

December of the first year of their legal term—more than a year after their election. If a Congress should choose to do so, it could sit in continuous session from the time it first meets to the expiration of its term. In practice the work of a Congress is done in two regular sessions. The first session begins when a Congress assembles in December for the first time and ends late in the spring or early in the summer of the following year. This is the long session. The second or short session begins when the Congress assembles in December for the second time and ends at twelve o'clock meridian the following March 4. Extra sessions begin on a date fixed by the President and end at the pleasure of Congress.

In the first few days after the assembling of the House several thousand bills are introduced. The introduction of a bill in the House is a very easy matter; the bill is not presented in the open House but is quietly placed in a receptacle—in the "hopper"—from which it is taken by a clerk and filed. But every bill before it can become a law must be taken up in the open House and be duly discussed and disposed of in an orderly decent way. How is this done? How amid the stormy conflicts of interest which are bound to arise in the House, and in the confusion and strife which are attendant upon the proceedings of such a large body, can business be conducted in due form and order? The answer to this question involves the consideration of (1) the speakership, (2) the committee system, and (3) the rules of the House.

I. *The Speakership.* When the members of a new

House assemble for the first time the clerk of the previous House calls them to order, causes a roll to be called, and, if a quorum (**27**) is present, invites the House to proceed with the election of a Speaker (**13**) who is always chosen from among the representatives. After the election of the Speaker the other officers of the House (**14**), the sergeant-at-arms, the clerk and the doorkeeper are elected, and the work of the session begins.

The character of the proceedings of the House depends largely upon the firmness and fairness of the Speaker. The duties of the Speaker are defined by the rules of the House. He preserves order, he puts questions to the House to be voted upon, he decides questions of parliamentary law, and above all, he decides which member is entitled to be heard upon the floor. No member may speak or make a motion unless he has first been recognized by the Speaker.

II. *The Committees.* A large legislative body in full and open session cannot look into the merits and discuss all the items of every proposed bill. There must be a method of sifting proposed measures and rejecting worthless and absurd propositions so that the attention of the legislature may be given to serious and important matters. From time immemorial this preparation of measures has been accomplished through the agency of *committees,* small groups of members, to each of which is assigned the duty of attending to a particular branch of legislation. The more important committees of the House consist of from fifteen to twenty-one members. The principal

standing committees—committees which are provided for by the rules, and which continue in existence through the entire session—are those on ways and means, rules, appropriations, the judiciary, foreign relations, currency, commerce, pensions, military affairs, naval affairs, elections, manufactures, agriculture, public lands, and rivers and harbors. The committees are elected by the House but the membership of each committee is determined by party action before the vote in the House is taken.

The work of the House is effected through the committees. When a bill is introduced it finds its way to the appropriate committee. Friends of the bill may appear before the committee and speak in its behalf. The committee may amend the bill, or reject it outright, or pay no attention to it whatever. If a bill is rejected in committee, it has little chance of becoming a law. If it is reported favorably to the House, it has a chance at least of receiving serious consideration. A committee, besides reporting upon measures that have been referred to it, may report bills originating with itself. In practice, before a bill can become a law it must first receive the favorable judgment of a committee.

III. *The Rules.* When a bill is reported favorably by a committee it is usually placed upon the calendar along with hundreds, perhaps thousands, of other bills. By a majority vote of the entire membership of the House a bill may be taken from a committee, and placed upon the calendar without waiting for the action of the committee. This can be done,

however, only after the committee has for fifteen days failed to take action upon the bill. The calendar is a kind of catalogue or register of bills, and has been called "the cemetery of legislative hopes," because so many bills are never heard of again after they reach it. When a bill has found its way to the calendar its fate henceforth rests with the rules of the House. The rules of procedure are determined by the House itself (28), and are framed with a view of conducting business in a fair and orderly manner. The general rule in reference to a bill on the calendar is that it must wait its turn for consideration, a rule which if strongly enforced might postpone action indefinitely. The real agency which can determine what bill shall be taken from the calendar and which in fact largely guides the entire proceedings of the House is the committee on rules. This committee, like the other committees, is elected by the House and consists of eleven members. The Speaker is not permitted to be a member of the committee. The committee on rules has the high privilege of bringing in a "special rule" or order, by which a certain time may be appointed for the consideration of a bill. It can thus at any time, without discussion or delay, order any bill to be taken from the calendar for immediate consideration. This committee on rules can also determine the conditions of debate, how long members may speak, whether amendments to the bill may be offered or not, when a vote shall be taken. The first of the committees, therefore, is the commit-

tee on rules, and the first of the rules is the "special rule."

When a Congress expires two-thirds of the members of the Senate retain their seats in the next Congress (**16**). The Senate is thus in part a continuous body; "always changing it is forever the same." It is not reorganized at the opening of every Congress. The vice-President is the permanent presiding officer. A temporary President (**21**), chosen by the Senate from among its members, holds office for an undefinite period and takes the place of the permanent presiding officer during his absence. The committees of the Senate are elected by the Senate itself, although before the vote is taken the membership of each committee is previously determined by party action.

In both Senate and House each of the leading political parties elects a floor leader, whose special duty is to direct and manage for his party the debates on important measures. The floor leader when advocating the passage of a measure sees that the bill is written in the most acceptable form, safeguards it from the dangers of parliamentary procedure, arranges the list of members who are to speak in its behalf, and allots to each speaker the time to be consumed. Frequently before a bill is brought upon the floor to be voted upon a caucus, or private conference, of the members of each party is held, and it is determined what the action of the party in respect to the proposed measure shall be. As a rule, all the members who attend a caucus vote on the bill in accord-

ance with the decision of the caucus but sometimes its decision is disregarded.

If a high public official should be charged with gross misconduct in office, if, for example, the President should be charged with not enforcing a law, or a federal judge accused of habitual drunkenness, he could be reached by the process of impeachment. Impeachment begins in the House of Representatives, where the charges against the unfaithful officer must be laid (**14**). If in the judgment of the House the accused person is guilty, the impeachment, or accusation, is carried to the Senate to be tried (**22**). The Senate, while trying the impeachment, sits as a court of justice. Witnesses are summoned and examined and evidence *pro* and *con* is presented. If by a two-thirds vote the Senate sustains the impeachment the accused person is deprived of his office (**23**). He may afterwards be tried and punished in a court of law for his offense, but such a trial is not a part of the process of impeachment. The main object of impeachment is to protect the government from the acts of faithless officers, not to punish crime. Its purpose, therefore, is fulfilled when the offending officer is removed. Impeachment is plainly a judicial rather than a legislative function.

A treaty is a law of the land (**126**). It is only right, therefore, that the legislature should participate in the treaty-making power. The Constitution recognizes this principle to the extent that treaties shall be confirmed by a two-thirds vote of the Senate (**95**). The Constitution also provides that certain

presidential appointments must be confirmed by the Senate (**96**). In the exercise of this power the Senate has established a custom of confirming only those appointments which are agreeable to the senator from the State in which the appointment is made. The senator to be consulted belongs to the President's party. If the State in which the appointment is made has no senator of the President's party, the party leaders of the State must be consulted. This deference to the wishes of individual senators in the matter of confirming appointments is called *senatorial courtesy.* The application of senatorial courtesy increases the power of the Senate, for in many instances it has the effect of taking federal patronage from the president and bestowing it upon senators. When confirming appointments and treaties the Senate regards itself as acting in an executive capacity. It generally holds its executive sessions behind closed doors. All purely legislative sessions, both of the House and of the Senate, are as a rule open to the public.

CHAPTER IV

THE PRESIDENT AND HIS CABINET

THE framers of the Constitution made the President of the United States commander-in-chief of the military forces (**92**); they gave him the power of pardoning offenses against the government of the United States (**94**); they conferred upon him jointly with the Senate the treaty-making power (**95**) and the power of appointing foreign ministers, consuls, judges of the Supreme Court and many other federal officers (**96**); they imposed upon him the function of receiving foreign ambassadors and representatives of foreign governments (**101**); they gave him authority to deliver to Congress in person or to lay before that body in writing, messages setting forth the condition of public affairs and recommending measures for legislation (**100**); they gave him power to convene Congress in extraordinary session and to adjourn Congress when the two Houses cannot agree as to the matter of adjournment (**101**); they gave him the veto power (**38**).

The highest and the chief duty of the President is "to take care that the laws be faithfully executed" (**102**). This is a purely executive duty and one that the President cannot escape. A law may be distaste-

ful to the President, he may regard it as hurtful or unconstitutional, yet as long as it is a law he must enforce it. "As the citizen may not elect what laws he will obey neither may the executive elect which he will enforce." Should the President wantonly refuse to execute a law he would be removable by the process of impeachment.

While the President is bound to carry out laws that have been made whether he is in sympathy with them or not, he at the same time may do much to prevent the enactment of laws obnoxious to himself and much to secure the enactment of favorite measures. His power of prevention lies in the veto. How great this power is may be seen by a simple calculation. A bill may pass in the present House of 435 members by a vote of 218 to 217, and in the Senate by a vote of 49 to 47. Now if the President should veto the bill it would require 72 more votes in the House and 15 more in the Senate (40) to pass the measure over his veto. The legislative weight of the President, therefore, is nearly one-sixth as great as that of Congress itself.

The President's share in law-making does not end with the negative power of the veto; he possesses several legislative powers of a positive nature. In making the laws known as treaties he takes the initiative and is coördinate with the Senate. By convening Congress in extra session he can present to that body subjects for its special consideration. In annual and special messages he can give his views in respect to needed legislation, and through his influence as a

party leader and as a distributor of patronage he can often cause Congress to follow the suggestions contained in his messages.

A vacancy in the office of President may occur by the death, impeachment or resignation of the incumbent, or by his inability to discharge the duties of his office. The Constitution provides a Vice-President (88) to succeed in the case of a vacancy. If for any reason neither President nor Vice-President can serve, an officer designated by Congress (89) succeeds to the Presidency. Under the presidential succession act of 1886 it is provided that members of the President's cabinet shall succeed to the Presidency in the following order: (1) The Secretary of State, (2) the Secretary of the Treasury, (3) the Secretary of War, (4) the Attorney-general, (5) the Postmaster-general, (6) the Secretary of the Navy, (7) the Secretary of the Interior. The one succeeding to the Presidency serves for the remainder of the four years, but any one thus succeeding must have the constitutional qualifications.

Responsibility for the smooth and efficient working of the great federal machine rests wholly on the President, but in the supervision of the executive business there must, of course, be division of labor. To assist him in governing, the President summons to his aid assistants known as secretaries. Washington began his administration with three secretaries, a Secretary of State, a Secretary of the Treasury and a Secretary of War. As the business of government increased the work of the administration was further

divided and new secretaries were brought in. The chief assistants of the President now number ten and are as follows:

1. The Secretary of State.
2. The Secretary of the Treasury.
3. The Secretary of War.
4. The Attorney-general.
5. The Postmaster-general.
6. The Secretary of the Navy.
7. The Secretary of the Interior.
8. The Secretary of Agriculture.
9. The Secretary of Commerce.
10. The Secretary of Labor.

Each of these secretaries is appointed by the President and is responsible to him for the management of his own department. At stated times the secretaries meet the President for consultation. This executive council is known as the cabinet. The cabinet as a body has no legal functions and is unknown to the Constitution, although its existence is foreshadowed in the words, "the President may require the opinion in writing of the principal officers in each of the executive departments upon any subject relating to the duties of their respective offices." (93). Washington, following the letter of the Constitution, sometimes communicated with his secretaries individually and required the opinion of each in writing. On many occasions, however, where important matters of administration were to be settled he called his secretaries

together around a council board. It is said of Jefferson: "When a question occurred of sufficient magnitude to require the opinion of all the heads of departments he called them together, had the subject discussed and a vote taken in which he counted himself as but one." From out of these early meetings of the President and his secretaries has grown the cabinet meeting of to-day. The cabinet meets at the White House at the call of the President. Records of its meetings are rarely kept, and the public does not know what takes place at them. The President is not bound to act according to the wishes of the cabinet, nor does he always do so. The function of the cabinet is to discuss and advise; it is for the President to decide and act.

CHAPTER V

FEDERAL EXECUTIVE WORK

It is chiefly through his cabinet officers as heads of departments that the President governs. These departments are:

I. *The Department of State* under the management of the *Secretary of State* attends to foreign affairs. It conducts the negotiations which lead up to the making of treaties, instructs our foreign ministers and consuls in their duties, extends official courtesies to the ministers from other countries, gives passports to those intending to travel abroad, protects American citizens in other lands, and transacts all other business arising between our government and other governments. The Secretary of State is regarded as first in rank among the heads of the departments.

II. *The Department of the Treasury* under the *Secretary of the Treasury* manages the financial business of the country. It collects the internal revenue, and the customs duties; it attends to the expenditure of money appropriated by Congress; it manages the public debt; it organizes and inspects national banks; it controls the mints and supervises the making of paper money. In addition to its purely financial duties this department controls the life-saving serv-

ice maintained for the rescue of persons from shipwreck, supervises the construction of public buildings, and manages the marine hospitals maintained for disabled soldiers.

III. *The Department of War* under the *Secretary of War* has charge of the land forces. It purchases supplies for the soldiers, controls the transportation of troops, directs the improvements of rivers and harbors, superintends the signal service and controls the Military Academy at West Point.

IV. *The Department of Justice* under the *Attorney-general* is the law department of the national government. When the President or a member of the cabinet desires legal advice it is furnished by this department. When the government of the United States is interested in a case in court, an officer of this department defends or prosecutes the suit. Next in rank to the Attorney-general in the Department of Justice is the Solicitor-general who, under the direction of the Attorney-general, has charge of the business of the government in the Supreme Court of the United States.

V. *The Post-office Department* under the *Postmaster-general,* in addition to collecting, carrying and distributing the mail, establishes and discontinues post-offices, provides the public with stamps and postal cards, conducts a money postal-order system by which money may be safely transmitted to all parts of the world, hastens the delivery of mail by means of a special delivery system, sends by "parcels post" packages to all parts of our own country and to about

thirty designated foreign countries, and manages the business of the postal savings bank.

VI. *The Department of the Navy* under the *Secretary of the Navy* purchases naval supplies, provides for the construction and equipment of vessels, supervises the navy yards and docks, and controls the Naval Academy at Annapolis.

VII. *The Department of the Interior* under the *Secretary of the Interior* has charge of national affairs that are of a purely domestic nature. It examines pension claims and grants pensions, controls Indian affairs, directs the sale of public lands, issues patents, superintends such educational interests as are of a national concern, directs the work of the geological survey, superintends the construction and operation of irrigation works authorized by Congress, and investigates methods by which the safety of miners may be provided for.

VIII. *The Department of Agriculture* under the *Secretary of Agriculture* diffuses among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that term, and procures, propagates and distributes among the people new and valuable seeds and plants. This department has charge of the Weather Bureau which forecasts the weather; it conducts the inspection of animals and meat and food products when these are subjects of interstate commerce; it studies plant life in all its relations to agriculture and gives to farmers the benefit of its investigations; it has charge of the forests belonging

to the United States; it collects informations as to crops; it investigates soils and obtains information regarding insects which injure crops and plants.

IX. *The Department of Commerce* under the *Secretary of Commerce* "fosters, promotes and develops the foreign and domestic commerce, the mining, manufacturing, shipping and fishing industries and the transportation facilities of the United States."

X. *The Department of Labor* under the *Secretary of Labor* fosters, promotes and develops the welfare of the wage earners of the United States, improves their working conditions and advances their opportunities for profitable employment. One of its chief duties is "to collect, collate and report full and complete statistics of the conditions of labor and the products and distribution of the same." It also enforces the immigration laws and the laws relating to the naturalization of aliens and through the agency of the Children's Bureau reports upon the welfare of children.

Each of the ten departments has the control of a vast amount of executive business, and it is necessary to subdivide the work of a department and place an officer at the head of each subdivision. A subdivision of a department is sometimes known as a *division* of the department but more often it is known as a *bureau,* and the head of the bureau is called a director or commissioner, or superintendent. For example, in the department of Commerce there is a Bureau of Foreign and Domestic Commerce, a Bureau of Lighthouses, a Bureau of Census, a Bureau of Fisheries, a

Bureau of Navigation, a Bureau of Standards, the Coast and Geodetic Survey, and a Steamboat-Inspection Service.

A few items of executive business have not been assigned to any one of the ten great departments. The work of the *Interstate Commerce Commission* is performed by nine commissioners who act independently of any department. The *Civil Service Commission,* whose duty is to regulate and improve the civil service of the United States, consists of three commissioners who are responsible directly to the President. The *Federal Trade Commission,* the *Federal Reserve Board,* the *Shipping Board,* the *Farm Loan Board,* the *Government Printing Office,* the *Library of Congress* and the *Smithsonian Institution* are also outside of departmental control. The chief officers in all these cases of extra-departmental activity are nominated by the President and confirmed by the Senate, just as other principal officers are.

There are more than 500,000 persons employed in the executive civil service. Of these nearly 10,000 are appointed directly by the President. These are known as the presidential appointments. The presidential appointments are the leading officials, the heads of departments and their chief assistants, the heads of bureaus and divisions, the postmasters of large cities and towns, the chief custom house officers, the ministers to foreign countries and the like. All officers and employees who are not appointed directly by the President are appointed by the heads of the department (98).

In 1883 Congress provided for the competitive examination of a large class of employees in the civil service, and for appointment according to merit rather than according to party affiliation. The rule of appointment according to ascertained merit has been extended until it now reaches almost every department of the national civil service and embraces about two-thirds of all the employees. Appointees under the competitive system hold their positions during good behavior and efficient service. No employee, however, is placed beyond the President's power to remove.

The salaries of the principal officers of the federal government are as follows:

President	$75,000
Vice-President	12,000
Members of the cabinet	12,000
Chief Justice of the Supreme Court	15,000
Associate Justices of Supreme Court	14,500
Judges of Circuit Courts	7,000
Judges of District Courts	6,000
Representatives	7,500
Senators	7,500
Ambassadors	17,500
Ministers	10,000
Members of Interstate Commerce Commission	10,000
Members of Federal Trade Commission	10,000
Members of Federal Reserve Board	12,000
Members of the Shipping Board	7,500
Heads of Bureaus and Divisions	3,000 to 6,000

CHAPTER VI

COURTS, STATE AND FEDERAL

UNDER our political system it has been necessary to establish two separate and distinct systems of judicial tribunals, *State* courts and *federal* courts. The judges of the State courts in more than three-fourths of the States are chosen by the voters. In the other States they are either appointed by the governor or chosen by the legislature. Their terms vary in length, the average term being about eight years. In a very few States they hold office for life. Federal judges are appointed by the President (**196**). Once appointed they cannot be removed except for cause (**106**) and then only by the solemn process of impeachment. Their salaries may not be decreased, although they may be increased.

The State courts are entirely independent of the federal courts. They have their own judges and court officers—sheriffs, clerks and prosecuting officers—and their own court-houses. They attend to the judicial business of the State and cannot be compelled to perform judicial duties of a federal nature. Their decisions, however, may be reviewed and reversed by the federal courts. When one of the parties to a case in a State court claims that the decision of the court is

contrary to the federal Constitution or to federal law the case may be carried over to the federal courts for trial, but when a case is wholly outside of federal authority it must receive its final settlement in a State court.

In the administration of justice in the State it has been found convenient in all the States to have at least three grades of courts:

I. *The Justice's Court.* This court, the lowest in the series, is held by a justice of the peace and may be called the court of the neighborhood, for in every community it is near at hand to administer justice in small affairs. In it are tried petty misdemeanors and civil cases involving small sums of money. In the trial of trivial offenses and of civil cases involving but a small sum of money the decision of the court is usually final, but when its judgment inflicts a severe penalty or involves a considerable sum of money an appeal may be taken to a higher court. In cities, police courts, sometimes called municipal, sometimes magistrates' courts, are often established for the trial of petty criminal cases.

II. *The Circuit or District Court.* This is the tribunal next above the justice's court, and it may be called the court of the county, for it is held in every county at the county-seat. It must not be understood, however, that the jurisdiction of the judges of this court is limited to a single county. A circuit (or district) usually includes several counties, and the judges of a circuit go from county to county to hold court. In rural districts this court tries both civil

and criminal cases, but in the larger cities there is generally a criminal court of corresponding grade for the trial of the criminal cases. A very large city often has an elaborate system of courts of its own.

These courts of the second grade are the centers of most of the judicial activity of the State. In them are tried the weightier cases of the law. They review the cases appealed from the justice's court and they have original jurisdiction in serious criminal cases and in important civil cases.

It is in these courts, too, that the jury figures most prominently as an agency of justice. Juries are of two kinds, grand and petit. The grand jury is a body of men varying from 12 to 23 in number, chosen by court officials to inquire whether there have been any violations of the law in the community and to determine whether or not these persons under suspicion should come up for trial. When making an inquiry into a criminal charge the grand jury sits in secret and hears only the evidence against the accused. Its function is not to try the accused, but to decide whether on the face of things there is sufficient evidence of guilt to warrant a trial. When a majority of the grand jury are satisfied that the case ought to be tried the indictment is endorsed with the words "a true bill," and the case goes to the petit jury to be tried. This body (in all the States but one) must consist of twelve men. It sits in open session, hears evidence on both sides of the case. During the progress of the trial questions of law are determined by the court; the jury determines only questions of fact.

After the evidence has all been given and counsel on both sides of the case have been heard, the jury retires from the court-room and is locked into a small room where it remains until it finds a verdict, or until the judge decides that no verdict will be reached. In nearly all the States it is required that all the twelve members shall agree upon the verdict. When no agreement is reached a new trial may be ordered. As a general rule it may be said that the verdict of a jury is decisive.

Juries are chosen from the ordinary citizens in the neighborhood in which the trial is conducted—from farmers, mechanics, merchants—and this is the feature doubtless that makes trial by jury so popular. When a man is tried by men who are neither too far above him nor too far below him to have sympathy with him, he has a good chance for a fair trial. The jury system, like every other human institution, has its defects, but notwithstanding its shortcomings it is one of the greatest safeguards of civil liberty ever invented.

III. *The Supreme Court.* In this court resides the supreme judicial authority of the State. It generally sits at the State capital, where it holds sessions the greater part of the year. Its jurisdiction is for the most part appellate, although there are a few instances in which it has original jurisdiction. For example, a case involving the official action of a State officer is usually begun in the supreme court. Most of the cases, however, tried in the supreme court come up to it from the courts below. When a decision of

this court conflicts in no way with the federal authority it is final, and is binding upon the people of the State as long as the State constitution remains unchanged, but when the decision conflicts with federal law or with the federal Constitution it may be reversed by the Supreme Court of the United States.

In several States where the work of the courts is unusually heavy there has been inserted between the court of the second grade and the supreme court an intermediate appellate court. This additional tribunal has been established to relieve the State supreme court of some of its burden. The jurisdiction of this intermediate court is purely appellate, and its decisions are final, except in a few specified cases which may be carried from it up to the higher court.

In many of the States we find in every county a probate or surrogate's court—sometimes called the orphans' court. In States where there is no separate court, the probate business is given to the county court, an institution found in many States. This county court in a few States has functions which are purely judicial and may try misdemeanors and small civil cases. In six States we find chancery courts separate from the law courts. In these chancery courts the equity[1] cases are tried. As a rule, however, equity cases are tried in the regular law courts of the system.

Judges in courts of equity—and in most States the

[1] When a civil case is tried before a judge and jury it is a case at law; when tried before a judge only, it is a case at equity.

regular law courts are also courts of equity—have the power to issue the *writ of injunction* forbidding a person to do, or commanding him to do, a certain thing. If the injunction is disobeyed the person disobeying it is liable to punishment. The injunction is generally used to prevent the commission of wrongs which could not be prevented by the ordinary workings of a lawsuit. Thus, if a railroad company begins to lay its tracks across a man's property without first securing a right of way, a judge in a court of equity, at any time of the day or night, will issue an injunction forbidding the railroad to continue the laying of the tracks. In recent cases courts have forbidden labor leaders and others to induce or coerce workingmen to strike where the strike would cause irreparable injury and damage to the employers. This use of the injunction has met with fierce opposition and is regarded by many as unwarranted and unjust. The power of injunction is exercised by federal as well as by State judges.

In certain cases State judges may issue the writ of *mandamus*. This writ is issued to an officer, or corporation, requiring the performance of a public duty which the officer or corporation has refused to perform. The purpose of this important writ is to compel the officer to go forward and do that which his position plainly requires him to do. Federal judges also may in certain cases issue the writ of mandamus.

The organization of the federal courts is as follows:

I. *The District Courts.* The lowest of the federal courts is the District Court presided over by a district

judge. In every State there is at least one District Court and in the larger States there are several. Altogether there are in the United States about one hundred District Courts. The District Court has original jurisdiction in nearly all those classes of cases both civil and criminal which arise under the laws of the United States. In this court are tried admiralty and maritime cases, copyright and patent cases, counterfeit cases, cases arising under the postal laws, cases arising under the laws regulating immigration, and naturalization, cases arising under the laws regulating commerce, and other classes of cases cognizable by the authority of the United States.

II. *The Circuit Courts of Appeal.* For the trial of certain classes of cases upon appeal Congress has established nine judicial circuits and has provided for each circuit a court known as the Circuit Court of Appeals. This court is composed of regular circuit judges and of judges of the other courts, three judges being necessary for the trial of a case. To the Circuit Court of Appeals are brought all appeals from the District Court except in the five following instances: (1) When the case involves a question of jurisdiction; (2) when it involves the construction of the Constitution of the United States; (3) when it involves a question of the constitutionality of a law; (4) when it involves the construction of a treaty; (5) when it involves conviction for higher crimes. These excepted cases must be taken direct from the District Court to the Supreme Court. In all other cases than these the appeal from the District Court lies to the Circuit

Court of Appeals. The decisions of the Circuit Court of Appeals are made final in certain enumerated classes of cases, including copyright, patent and admiralty cases, thus relieving the Supreme Court entirely of those classes of cases. The cases not enumerated as final are still appealable to the Supreme Court.

III. *The Supreme Court,* consisting of the Chief Justice and eight associate justices. This court holds its regular sessions in the Capitol at Washington, sitting from October to July. The presence of at least six judges is required in the trial of a case, and the judgment of a majority is necessary in rendering a decision. The Chief Justice presides at the sessions of the court, but when the court is forming its decision he is on an equality with the other judges. He has but one vote, and that is often cast with the minority. The Supreme Court has original jurisdiction in all cases affecting ambassadors, ministers and consuls, and in those cases in which a State is one of the parties to the controversy (110). Its appellate jurisdiction includes certain cases which are brought up to it from the Circuit Court of Appeals, and all those cases which must be brought to it direct from the District Courts. As there is no higher tribunal a decision of the Supreme Court of the United States is accepted as being the law of the land.

CHAPTER VII

THE STATE LEGISLATURE

In outward form, at least, the legisture of one State, although it may be widely separated by distance, and although it is created independently, is very much like that of another State. All legislatures meet at the State capital; the upper house is always called the Senate and is always much smaller than the lower house, which is usually called the House of Representatives; in all the States members must reside in the district which they represent; in all but eight States the legislature meets every two years, and in all but eight the length of its session is limited to a term that varies from forty to ninety days; in all the States the compensation of members is the same for both houses; in all the States but one a law passed by the legislature can be vetoed by the governor, and the veto can be overcome by a majority vote or by three-fifths or a two-thirds vote of both houses; in every State each house is the judge of the qualifications and election of its own members.

Upon assembling, each house of a newly elected legislature elects its presiding officer. In the lower house this officer is called the speaker; in the Senate he is called chairman or president. In most of the

States there is a lieutenant-governor, who presides in the Senate but does not vote except where there is a tie. As soon as a clerk, a sergeant-at-arms, doorkeepers, messengers and other minor officers have been elected the presiding officer of each house announces the committees, which are as numerous as the interests and subjects that engage the attention of the legislature, the most important being those on finance, corporations, municipalities, the judiciary, appropriations, elections, education, labor, manufactures, agriculture, railroads. The committees are agencies of the utmost importance, for they are the channels through which all legislation must pass.

Any proposed law, called a bill, immediately after it is introduced and read, is referred to its proper committee. The committee considers the bill in a private room where citizens may appear to defend or oppose it, and if it thinks the bill ought not to become a law it reports it unfavorably, and thus usually kills it. It is possible to pass a bill after it has been thus unfavorably reported, but this is rarely done. The judgment of the committee is practically final. If the bill is reported favorably its title is read and it is allowed to pass upon its *second* reading. In its regular order it comes up for its *third* and last reading. Now it is read in full, amended, perhaps, and voted upon. If it fails to get a majority of the votes that is probably the last of it. If it receives a majority of the votes it is sent to the other branch to be acted upon. Here it is referred by the presiding officer to its proper committee, is read three times upon three different days,

is fully discussed upon its last reading, and is then voted upon. If it passes without amendments made in this second branch it goes to the governor to be signed by him. If it passes with amendment it must be returned to the house in which it originated to be voted upon in its amended form. If it passes in the house in that form it becomes, as far as the legislature is concerned a law. If there is trouble over the amendment a joint committee, or conference committee, consisting of several members from each house, is appointed to see what can be done to settle the matter. The action of this committee, if it reaches an agreement, is usually accepted by both houses. A bill may originate in either house, but, as a rule bills for raising revenue must originate in the lower house, because this branch is supposed to be closer to the taxpayers.

After a bill has passed both houses it is sent to the governor for his approval. In order to guard against hasty and unwise legislation, and especially against encroachments of the legislature upon the other two departments, the governor, like the President of the United States, can (in all but one State) forbid the passage of a bill by his veto. When he does this he sends the bill back, with his objections stated in writing, to that branch of the legislature that sent it to him. The bill may be voted upon again, and if it can secure the number of votes required by the constitution in such cases it becomes a law in spite of the governor's veto.

To make laws effective there must be strong public

opinion back of them. It is therefore a good democratic policy to have the people vote upon ordinary laws. The number of States is constantly increasing in which this direct legislation by the people is in practice. The political device by which the people vote upon the laws is known as the Initiative and Referendum. The nature of the power which may thus be exerted may best be learned from a clause in the constitution of one of the States in which a system of direct legislation is in full force: "The legislative authority of this State shall be vested in a legislature consisting of a senate and a house of representatives, but the people reserve to themselves the power to propose laws and amendments to the constitution and to adopt or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act of the legislature. . . . The first power reserved to the people is the Initiative and 8 per cent. of the legal voters shall have the right to propose any measure, and 15 per cent. of the legal voters shall have the right to propose amendments to the constitution, by petition, and every such petition shall include the full text of the measure proposed. The second power is the Referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety) either by petition signed by 5 per cent. of the legal voters, or by the legislature as other bills are enacted. . . . The veto power of the governor shall not extend to measures voted upon by the people. . . . Any measure referred

to the people by the initiative [or the referendum] shall take effect and be in force when it shall have been approved by a majority of votes cast in such election. . . . The referendum may be demanded by the people against one or more items, sections, or parts of any act of the legislature, in the same manner in which such power may be exercised against a complete act."

The constitutional clause just quoted shows that the device of the initiative and referendum gives life and power to the old right of petition. If a considerable number of voters (usually from 5 to 8 per cent.) in any State desire a certain law, the initiative enables them by petition to bring the measure before the electorate to be voted upon. If a considerable number of voters are opposed to a law passed by the legislature, the referendum enables them to have the law referred to decision of the electorate. Thus the initiative is a positive or constructive force: it enables the voters to secure what they want. The referendum is a negative or preventive force: it enables voters to veto laws which they do not want.

The general use of the Initiative and Referendum throughout the country would introduce a new force into American politics and would profoundly change the character of American government. What the results of a general system of direct legislation would be is of course largely a matter of conjecture. In Switzerland, where the people have had centuries of training in public affairs, direct legislation has been a success. In the United States it is probable that

the initiative and referendum will succeed only in those States where the people by instinct and tradition are intensely democratic, where the popular interest in public affairs is keen, universal and sustained, and where the average of popular intelligence is very high.

While the use of the initiative and referendum in the making of State laws is important its use in connection with municipal legislation is even more important. Everywhere throughout the country it is becoming the custom to give the voters of cities the right to manage municipal affairs quite directly through the means of the initiative and referendum. This is especially true of those cities that have adopted the commission form of government.

Closely associated with the initiative and referendum is the device known as the "recall." The aim of this device is to give the people complete control over the officers whom they have elected. Where the recall is in use the voters, upon the complaint or petition of a certain number of citizens vote upon the question whether a certain officer shall be deprived of (recalled from) his office before his term expires, and if the vote is in favor of the officer's removal he must give up his office before the end of his term. When an officer is removed by the operation of the recall, the vacancy is filled by holding a special election, at which the officer removed may be a candidate if he so desires. The recall is in operation in many of the cities governed by the commission system, and in some cities not thus governed. In several instances mayors

of large cities have been removed through the procedure of the recall. In Oregon, Colorado, Washington, Kansas, Arizona and California, every State official is subject to recall. The recall is a mild form of impeachment. In case of impeachment the accused officer is tried by the legislature; under the procedure of the recall the accused is tried by the whole body of voters.

CHAPTER VIII

THE STATE EXECUTIVE

EVERY State has a governor, (almost every State has a lieutenant governor), a secretary of state and a treasurer; almost every State has a comptroller, or auditor, an attorney-general and a superintendent of education. The length of the terms of service of these officers, the manner of their election or appointment, and their qualifications and salaries are regulated by the constitution or by statute. Their duties which do not vary widely from State to State, are as follows:

The Governor. (1) The first duty of the governor is to take care that the *laws are faithfully executed.* The governor is commander-in-chief of the military forces of the State, and he can call upon the soldiers to assist him in enforcing the judgment of a court or in suppressing riots and disorderly proceedings.

(2) Another duty of the governor is to transmit to the legisature a *message,* informing it of the condition of affairs within the State and suggesting such legislation as he may deem wise. The legislature, however, is not bound to follow the suggestions made in the message or even to consider them. If the legislature is not in session and the governor thinks certain legislation urgent, he may summon it to meet in

extra session and lay before it the measures that demand immediate consideration.

(3) In many States the governor has the pardoning power which it is his duty to exercise when he thinks a person has been unjustly convicted of crime. His pardon may be absolute or he may *commute* the punishment. For good reason he may grant *reprieves.* In a few States the power of pardon, commutation and reprieve is not left to the governor, but is vested in a special body of officers known as the board of pardons.

(4) In every State it is the duty of the governor to appoint many officials whose selection is not otherwise provided for. When an elective official dies or resigns before his term ends the governor fills the vacancy by appointing some one to serve until another election is held. He also issues writs of election to fill vacancies when any occur in the representation of a State in the lower branch of Congress (**12**). In the case of a vacancy in the United States Senate the governor may issue a writ for a new election or if so authorized by the legislature may make a temporary appointment to last until the people fill the vacancy by election (**162**).

(5) It is the duty of the governor to check hasty or corrupt or unwise legislation by interposing his veto. Experience seems to prove that the possession of the veto power enables the governor to exercise a wholesome restraint upon the legislature, and accordingly the veto power is given to him in all the States but one.

(6) The governor performs numerous social duties. He opens fairs, dedicates public buildings, presents diplomas to the graduates of normal schools and colleges, and honors important celebrations and meetings with his presence.

The Lieutenant-governor. This officer serves when the governor is out of the State or is incapacitated for duty. He is *ex officio* president of the Senate, and when a vacancy occurs in the governorship he succeeds to the office. In those States where there is no lieutenant-governor the president of the Senate usually succeeds to the governorship in case of a vacancy.

The Secretary of State records the official acts of the governor and files the laws passed by the legislature. He has charge of all State papers, of the journals of the legislature, and of the historical documents, statuary, paintings, relics, etc., owned by the State. This officer may properly be called the chief clerk of the executive department.

The State comptroller or *auditor* manages the financial business of the State. He prepares plans for the improvement and management of revenue, reports estimates of the revenue and expenditure of the State, and enforces the prompt collection of taxes. He keeps an account of all the money paid into the treasury and all drawn from it. Not a dollar can be taken from the treasury without his order. As a rule it is his duty to see that those charged with the collection of revenue of the State are responsible persons and

are properly bonded. In a few States the comptroller serves on one or more State boards.

The State treasurer has in his keeping the money paid into the State treasury. His principal duties are to receive the State funds, place them where they will be safe, and pay them out as he is ordered by the comptroller. Like the comptroller, the treasurer sometimes serves upon State boards.

The Attorney-general is the law officer of the State. He appears in court for the State and when any executive officer needs legal advice he may be called upon for an opinion.

The superintendent of public instruction stands at the head of the public-school system of the State. He reports to the governor or to the legislature the condition of educational affairs throughout the State, visits teachers' institutes and other educational meetings, and delivers lectures upon educational topics, inspects schools, suggests methods of teaching and courses of instruction and promotes the cause of education in many ways. In some States he prescribes the qualifications of teachers and issues their certificates, and supervises the distribution of the school funds.

The above officers are found in almost every State. The governor and lieutenant-governor are always elected by the people, but the method of choosing the others varies; sometimes the people elect, sometimes the governor appoints and sometimes the legislature elects.

In addition to these principal officers we find in the different States such minor officers and boards as special conditions may require. The titles of these suggest the nature of their duties and may be mentioned without comment:

State insurance commissioner; State librarian; State commissioner of agriculture; State inspector of mines; State commissioner of immigration; State surveyor; State tax commissioner; State fire marshall; State factory inspector; State commissioner of fisheries; State dairy inspector; State inspector of steam boilers; adjutant-general; State vaccine physician; State board of health; State board of education; State board of medical examiners; State board of public works; State board of dentistry; State board of railroad commissioners; State highway commission; State board of charities; State board of pardons; State board of public utilities.

No State has all of the above officers, but every State has a few of them. Besides the major and minor officials that have been mentioned there are in the service of the State such assistants, secretaries, clerks and employees of various kinds as may be necessary for the efficient working of the several departments.

CHAPTER IX

COUNTIES, TOWNS, AND TOWNSHIPS

ALTHOUGH county government differs as we go from State to State there is nevertheless a certain uniformity in the organization of counties throughout the Union. The official outfit of a typical county is as follows:

I. *The Board of County Commissioners or Supervisors.* This is the governing body of the county. It consists usually of three or more members who serve for a term varying from one to six years. It holds its sessions at the county-seat, where all the county officials have offices. Like most of the other county officers the commissioners are elected by the people. In New York, and in several of the western States the governing body of the county—the county board of supervisors—consists not of representatives of the people, as in most States, but of representatives of the townships. The county commissioners (or supervisors) usually do the following things:

(1) They fix the rate of taxation for the county.

(2) They appoint tax assessors, tax collectors, road supervisors, and other subordinate officials.

(3) They make contracts for repairing old roads and opening new ones, and also for building and repairing bridges.

(4) They make contracts for building and repairing public buildings, such as court-houses, jails and almshouses.

(5) They appropriate money for the payment of the salaries of county officers, and for all necessary expenses of county government.

(6) They represent the county when it is sued for damages. (All local governments are corporations in some respect and can be brought into court to defend a suit as if they were persons.)

II. *The Sheriff.* This officer has been called the "arm of the judge." If the judge orders a man to be taken to prison, or orders property to be sold, or sentences a man to be hanged, the sheriff executes the command. It is his duty also to preserve peace and order, and when necessary he may call to his aid *deputies.* In times of great danger or disturbance he may call to his aid the *posse comitatus,* which includes every able-bodied man in the county. The sheriff usually lives at the county-seat and has charge of the county jail and its prisoners.

III. *The Clerk of the Circuit, or District Court.* Any court above a police court, or above that of a justice of the peace, is a "court of record"; that is, its proceedings are enrolled in permanent form. In every county there is a court of record, and the keeper of its records is the *clerk of the court,* or *prothonotary.* This officer often keeps a record of deeds and mortgages given in the county, issues marriage certificates, and records all births and deaths.

IV. *The Probate Court—the Orphans' Court.* It

is the business of this court to examine the wills of deceased persons and decide whether they have been made as wills by law, ought to be made. When a person dies without having made a will, and leaves no one to take charge of his estate, the probate court will appoint an *administrator* to take charge of it. When a child is left without father or mother, the probate court will appoint a guardian, who will manage the estate until the child comes of age. In general, the business of the probate court is to see that the property of the dead falls into rightful hands. In some States the probate court is called the orphans' court. In New York and New Jersey it is called the surrogate's court.

V. *The Recorder,* or *Register* keeps a record of mortgages, deeds and leases.

VI. *Tax Collectors* and *Assessors.*

VII. *The County Treasurer* pays out as well as receives all money raised by taxation.

VIII. *The Auditor.* Sometimes the county elects an *auditor,* whose duty it is to examine the books of the treasurer and other officers and report whether the public accounts are properly and honestly kept.

IX. *The Coroner.* When a person is murdered, or is found dead, or dies mysteriously, this officer takes charge of the corpse and inquires at once into the cause of the death. If he thinks there has been foul play, he summons six or twelve men to act as a jury and holds a "coroner's inquest." Witnesses are summoned, and the jury after hearing evidence, states the probable cause of the death.

X. *The State's Attorney* is a lawyer whose duty is to give legal advice to county officers, and to appear in court at the trial of one who is charged with crime and present the side of the State. This officer is sometimes called a district attorney or prosecuting attorney; sometimes he is called the solicitor.

XI. *The Superintendent of Schools* is the executive officer of the school system of the county. He sets the examinations for teachers, visits the different schools of the county, and inspects their work. He grades the work of the schools and devotes his time to improving them in every way he can.

XII. *The Surveyor* makes surveys of land when the county has need of such.

In New England, in the Middle States, and in most of the States of the West, the county shares the business of local government with a minor civil division known as the town or township.

In New England a most important unit of local government is the town and the central fact of town government is the town meeting. Once a year all the qualified voters of the town meet together to discuss measures relating to town affairs and take action thereon. At the town meeting the rate of taxation is fixed; money is appropriated for the necessary expense of town government; by-laws are passed for the regulation of local matters; and town officers are elected. The most important town officers are: the selectmen, the town clerk, the town treasurer, assessors and collectors of taxes and overseers of the poor. The selectmen are the governing body in the town.

In the Middle States and in most of the States in the West the county shares the business of local government with a minor civil division known as the township. The presence of townships in the county results in a compromise system of local government often called the county-township system. Under this system the county government attends to those affairs which interest the whole body of the people of the county, while the township administers the affairs of a small area.

The township has been found to be an institution of great convenience. For a sparsely settled society the county is, perhaps, the only practicable form of government; but as population increases the needs of the neighborhood multiply, and many of these needs are such as can be attended to by the people directly interested if they only have the power granted to them. It is not necessary to travel twenty miles to the county-seat to see an officer about the repair of a washout in a road, or about the purchase of a stove for a school-house, when we can have a government near at hand to attend to such things. The township has been introduced as an agency by which the needs of the immediate locality may be attended to.

Especially has the public *school* been a factor in the development of the township system. Local government in the South developed around a court-house, and in New England around a church; in the Middle States and in the West it developed around a school-house. Then, too, the care of the *roads,* and the support of the *poor* are services that may most conven-

iently be rendered by the neighborhood government.

The powers of the township vary slightly in the different States, but as a rule where the county-township system prevails the township (1) supports the public schools, (2) cares for the roads and (3) helps the poor, leaving other matters of local government to the county. The taxes necessary for doing these things are levied by township authority.

The organization of township government differs greatly as we pass from State to State. In some States, as in New Jersey, Pennsylvania, Ohio, Iowa, Minnesota, and the Dakotas, there is at the head of the township government a committee or a board of supervisors or trustees consisting of several persons, the number varying from three to eleven. In New York, Michigan, Wisconsin, Illinois, Indiana, Missouri, Kansas and Oklahoma there is at the head of the township a single officer known as the supervisor, or trustee. In Wisconsin this officer is known as the town chairman. These supervisors or trustees have general charge of township affairs, although their powers and duties vary considerably as we pass from State to State.

Besides the head executive officers (or officer) there is usually a township clerk who keeps the records of the township; a township assessor; a township auditor who examines the accounts of the township; a justice of the peace; one or more constables; overseers of the poor; and election officers. In most instances township officers are elected by the people.

CHAPTER X

MUNICIPALITIES

MUNICIPAL corporations may be divided into two classes. In the first class may be included all those chartered communities, that have a simple form of organization, limited local powers, and a small population, although population of itself is an untrustworthy guide for their classification. Such communities bear different names in different parts of the country. In Connecticut, New Jersey, and Pennsylvania they are called *boroughs*. In the Southern States they are generally called *towns*, while in the West they are usually known as *villages*. In Indiana, Iowa and Colorado they are called towns.

The organization and powers of a village (or town, or borough) do not differ widely in the different States. Most of the officers are elected by the voters of the village. The governing body consists of a president, or mayor, or chief burgess, and a body of three or more trustees or burgesses or commissioners. In addition to these there is always a clerk, and frequently a treasurer, tax collector, a constable, a justice of the peace and a board of street commissioners. The village government usually renders the following services:

(1) It keeps the peace.

(2) It holds a court for the trial of minor civil and criminal cases.

(3) It keeps the streets in order and provides good sidewalks.

(4) It lights the streets.

(5) It furnishes a supply of water.

(6) It supports the public schools.

(7) It cares for the public health.

(8) It purchases apparatus for the extinguishing of fires.

The second class of municipalities is the *cities*. A city is almost always an enlarged town or village, and in outward appearance it is sometimes difficult to distinguish a small city from a large town, although between the governments of the two there is a sharp difference. The government of the city is more complex than that of town, its powers are greater, its officers are more numerous, and its local independence is more clearly defined. At what point in its growth a town or village shall cast off its simple organization and assume the dignity of cityhood depends upon State law. In many States a place must have ten thousand or more inhabitants before it is entitled to the privileges of a city, while in other States we find cities with less than three thousand inhabitants.

There are two well defined types of city government in the United States, the *council* system and the *commission* system.

The Council System. In most American cities the municipal power is divided and given to a city council

—or board of aldermen—and a mayor, the council exercising the legislative power, and the mayor exercising the executive power. This organization is usually known as the council system.

The organization of the city council varies with the temper of State legislatures and with the theories of municipal reformers. It is always a representative body and its members are usually elected from municipal divisions known as *wards.* In a very few cities the council consists of two branches; in others it consists of a single body. The term of office of a councilman—or alderman—is sometimes as short as one year but it is never longer than four years. The council as the legislature of the city regulates the almost innumerable activities of the city government. A perusal of its proceedings as reported in the daily newspapers will show how closely its actions are connected with the daily life of the urban resident. Its laws, called *ordinances,* affect profoundly the health, safety, peace, comfort, prosperity, intelligence and morality of the city.

In cities where the council system prevails the executive power is vested in a mayor who is elected by the voters for a term varying from one to four years. The powers and duties of the mayor within the city are comparable to those of the governor within the State. The chief duty of the mayor is to carry into effect the laws affecting the municipality. Associated with the mayor in the executive branch of a large city, there are numerous heads of departments and boards. Some of these are elected by the people,

others are appointed by the mayor; in a few States some of them (for example, the police and health commissioners) are appointed by the governor, or by the State legislature. Serving under these chiefs and boards are assistants and employees, the number of whom increases with the size of the city, and sometimes consists of many thousands. A well organized city will usually have such departments and officers and boards as are indicated by the following outline:

(1) Department of Finance: comptroller, board of estimates, collector of taxes.

(2) Department of Law: city solicitor, or attorney.

(3) Department of Public Safety: board of fire commissioners, commissioner of health, inspector of buildings, commissioner of streets.

(4) Department of Public Improvement: city engineer, water board, inspector of boilers.

(5) Department of Parks and Squares: board of park commissioners.

(6) Department of Education: board of school commissioners, superintendent of schools.

(7) Department of Charities and Correction: trustees of the poor, supervisors of city charities.

(8) Department of Taxes and Assessment: court of taxes and assessment.

(9) Board of Police Commissioners.

(10) Miscellaneous: city librarian, superintendent of lamps and lighting, surveyor, constables, superintendent of public buildings, public printer.

In every large city there is a system of courts extending from the police or magistrate court up to the

higher courts, but the judges of these courts, although they may be elected by the people of the city, are not strictly officers of the municipal government. Justice is administered in the name of the State, and the judicial department of a city is merely a portion of the State judiciary acting within the borders of the city. Appeals from courts of the city are taken to the supreme court of the State.

The Commission System. In many of our cities the municipal power both legislative and executive is vested in a single body, usually known as a commission, although this body is sometimes called the city council. This system of municipal organization originated in Galveston after the great inundation of 1900. The success of Galveston with the commission system led to its adoption in other cities. At the present time more than 400 cities are governed by the commission plan. Under the commission system the governing body usually consists of five commissioners (or councilmen) elected by the voters of the city at large, there being no ward lines recognized in the selection or in the election of this commission. Party lines as well as ward lines are disregarded in the election of the commission, for candidates are nominated without the aid of party machinery and the election is conducted without regard to partisan results. One member of the commission is the mayor who presides at the meetings of the commission (council) but who has no power to veto any measure. The commission passes the ordinances for the government and administration of the city and also carries the ordinances

into effect. The executive and administrative authority and duties are distributed among several departments. These departments are usually five in number and are known as (1) the department of public affairs, (2) the department of accounts and finances, (3) the department of public safety, (4) the department of streets and public improvements, and (5) the department of parks and public property. At the head of each of these departments is placed one of the members of the commission, who is the superintendent of his department and who is responsible for its workings. The mayor, by virtue of his office, is the superintendent of the department of public affairs. The superintendents of the other four departments are designated by a majority vote of the commission itself. All city offices such as the city clerk, the solicitor, the assessor, the treasurer, the auditor, the chief of the fire department and the like, are appointed by the commission.

Thus it is seen that under the commission plan very great power is lodged in a small body of men. But the commission (council) is not likely often to abuse its power for wherever the commission system has been installed the people have usually reserved for themselves the powers residing in the initiative and referendum, and in the recall. Where these devices are in operation the commission is held directly responsible and accountable to the electorate.

A considerable number of cities have adopted a form of government known as the city manager plan. This has for its aim a greater concentration of the

executive authority than that provided by the commission form. Where the city manager plan has been adopted the entire administration of the affairs of the city is entrusted to a single officer—the city manager—appointed by an elective commission or council. The power of the city manager sometimes [or] in some cases extends even to the appointment of all the city officers and employees; the activities of the council being confined strictly to the passage of ordinances.

CHAPTER XI

THE TERRITORIES AND DEPENDENCIES OF THE UNITED STATES

ALL territory not included within the boundaries of a State, yet subject to the dominion of the United States, is wholly dependent upon Congress for its governmental powers (119). This is a fundamental principle underlying all questions relating to the government of territory subject to the sovereignty of the United States and not included within a State.

When planning for the government of federal territory from time to time, Congress has dealt with each case according to its merits. Now it has permitted a newly acquired possession to enter into an immediate enjoyment of statehood; now it has provided liberally for local self-government; now it has held the reins of government tightly in its own hands. This policy of giving to each community a government suitable to its needs has led to the establishment of so many different kinds of governments in the Territories and Dependencies that a satisfactory classification of them cannot be made. Nevertheless, the inferior governments may be conveniently studied under two headings, namely: (1) Territories and Dependencies on the American Continent, and (2) Insular Territories and Dependencies.

The Territories and Dependencies on the American Continent are: The District of Columbia, ceded to the United States by Maryland in 1790 as the permanent seat of the Federal Government; Alaska, purchased from Russia in 1866; Indian Reservations and National Parks; the Panama Canal Strip.

I. *The District of Columbia.* The government of the District of Columbia is, by the Constitution, vested exclusively in Congress (**61**). Several methods of governing the District had been tried when in 1878 Congress established the present form of government. The District is governed by a board of three commissioners appointed by the President. Two of the commissioners must be appointed from civil life, and one must be an officer of the army. This board exercises not only the executive power, but acts in many respects as a legislature. Its reasonable regulations in respect to matters affecting the life, health and comfort of the people have the force of laws. Although Washington—the District of Columbia is but another name for the city of Washington—has no distinct legislature of its own, it nevertheless enjoys the services of the greatest legislative body of the country, for Congress keeps its eye upon the affairs of the District and devotes certain days to the consideration of District business. When legislating for the District, Congress acts as a city council, and visitors to the Capitol may hear senators and representatives discussing topics of local government as the repairing the streets or the regulation of trolley lines or the adjustment of teachers' salaries.

The judicial system of the District consists of a court of appeals, a regular trial court called the supreme court, and a police court for the trial of petty offenses and municipal regulations. Justices of the peace are provided for the trial of certain kinds of civil cases. All these judicial officers are appointed by the President.

The District of Columbia has no delegate in Congress, and no provision whatever has been made for the expression of the popular will in a law-making body. The inhabitants of the District are citizens of the United States.

II. *Alaska.* After neglecting this region for a long time Congress at last, in 1900, provided for it a code of laws and a suitable form of government. In 1912 Congress vested the legislative power of the Territory of Alaska in an elective Legislature consisting of a senate and a house of representatives. The governor of the Territory is appointed by the President. The governor has the veto power but his veto may be over-ruled by a two-thirds vote of all the members of each house. All laws passed by the Territorial legislature must be transmitted by the governor to the President of the United States and by him submitted to Congress. If a law of the Territorial Legislature is disapproved by Congress it becomes null and void. In addition to the governor, Alaska has as its other executive officers a secretary of territory, a treasurer, and a superintendent of education. The Territory is divided into four judicial divisions with judge for each division.

Alaska has a territorial delegate in the House of Representatives at Washington. The delegate is the political tie which binds the Territory to the federal government. The territorial delegate is elected every two years by popular vote. He has a right to a seat in the House of Representatives and receives the same salary as other members of Congress. He serves on committees and may speak on all questions pertaining to his Territory, but he has no vote.

III. *Indian Reservations and National Parks.* In the management of the territory that has been under its control the National government has from time to time marked off and reserved certain lands for the use of the Indians. Scattered over the country there are in all about 150 of these Indian reservations. Some of them have a very large area. The Navajo reservation in Arizona has an area considerably larger than the State of Maryland. An Indian reservation is a kind of Dependency of the United States. The tribes living on a reservation are under the control of Congress. The National government protects the Indians on the reservation against injustice at the hands of the white man, gives them food supplies, and supports schools among them. The interests of the Indians on the reservations are looked after by the Bureau of Indian Affairs, one of the bureaus in the Department of the Interior.

In the management of its public domain the National government has also set off several large tracts of land to be used as parks. These national parks are in some instances of vast extent. The Yel-

lowstone National Park has an area nearly half as great as that of Massachusetts.

IV. *The Panama Canal Strip.* This consists of a zone of land of the width of ten miles, extending to the distance of five miles on each side of the central line of the route of the Panama Canal. The region has been placed under the control of a governor who is appointed by the President. The canal itself is absolutely neutral, being free and open to the vessels of commerce and war of all nations. The toll rates on the canal are the same for the vessels of all nations and the vessels of no nation, not even those of the United States, are exempted from the payment of tolls. It is provided by treaties that the canal shall never be blockaded and that no act of hostility shall ever be committed in it. Warships must pass through the canal with the least possible delay and no belligerent vessel while in the canal may embark or disembark troops or munitions of war.

The Insular Territories and Dependencies are: Hawaii, annexed by a joint resolution of Congress in 1898 (July 7); Porto Rico, occupied July 25, 1898, by military forces of the United States under General Miles; the Philippine Islands, occupied August 13, 1898, by military forces under Admiral Dewey; Guam, seized by the United States navy during the war with Spain in 1898; the Virgin Islands acquired from Denmark in 1917.

I. *Hawaii.* The Hawaiian Islands are governed under the name of "The Territory of Hawaii" by an act of Congress passed in 1900. This act provides

that the Territory shall have a properly elected legislature of two houses. The powers of the territorial legislature are similar to those of a State legislature. A law of the territorial legislature can be annulled by Congress. The executive power of the Territory is vested in a governor appointed by the President of the United States for a term of four years. The powers and duties of the Governor correspond very closely to those of a governor of a State. Other executive officers provided for are a secretary of the Territory, an attorney-general, a treasurer, a commissioner of public works, a superintendent of public instruction, a surveyor and an auditor. These are appointed by the governor of the Territory and confirmed by the territorial senate. The judicial power of the territory is vested in a supreme court and in circuit courts. The judges of both the supreme court and of the circuit courts are appointed by the President of the United States. The legislature is empowered to provide for Hawaii a system of local government consisting of counties, towns and municipalities. Hawaii, like Alaska, has a Delegate in the House of Representatives. The inhabitants of Hawaii are citizens of the United States.

II. *Porto Rico.* The organic act establishing the present government of the island was passed by Congress in 1917. The act contains a bill of rights which accords to the citizens of Porto Rico civil rights similar to those enjoyed by citizens of the United States. Legislative power in the island is vested in a legislature consisting of a senate and a house of representa-

tives. Both senators and representatives are elected by the voters. A law passed by the legislature may be vetoed by the governor but the veto may be overruled, and if it is overruled the law is sent to the President for approval or disapproval. The executive power in the island is vested in a governor appointed by the President. The President also appoints an attorney general and a commissioner of education. A treasurer, a commissioner of the interior, a commissioner of agriculture and labor and a commissioner of health are appointed by the governor.

The judicial system of the island consists of a Supreme Court composed of judges appointed for life or good behavior by the President; of district courts presided over by judges appointed by the governor; and of municipal courts whose judges are elected by the people.

The organic act for Porto Rico provides that the voters of the island every two years shall elect a commissioner, who shall be entitled to official recognition as such by all the departments at Washington. This commissioner in the intention of the law is plainly not a delegate, yet by the grace of the House of Representatives he has been accorded the right to speak in that body and to serve on its committees. For all practical purposes, therefore, he is in reality a territorial Delegate, although Porto Rico can hardly be said to be a Territory, for it is not a part of the United States. Under the act of 1917 inhabitants of Porto Rico not citizens of a foreign country were declared to be citizens of the United States.

III. *The Philippine Islands.* Congress has given to the Filipinos the form of government which has seemed best suited to their needs, changing the form from time to time as conditions on the islands have changed. At present (1918) the legislative power in the Philippines is vested in the Philippine Legislature, which consists of two houses, a senate and a house of representatives. Both senators and representatives are elected by the qualified voters. The members of both houses of the Legislature must be residents of the islands. Any law enacted by the Legislature must be affirmed by the Governor General, who may veto a law, but whose veto may be overruled by the Legislature. A law passed over the head of the Governor General is sent to the President for approval or disapproval. If the President approves it becomes a law; if not, it does not become a law. The executive power in the island is vested in the Governor General of the Philippine Islands, an officer appointed by the President.

The Philippine Islands have no delegate in Congress, yet they are permitted to send to Washington two commissioners who appear before the committees of Congress and represent the interests of the Islands.

The judicial system of the Islands includes a supreme court, consisting of a chief justice and six associate justices, courts of general trial for the provinces, and justices' courts for the municipalities. The judges of the supreme court are appointed by the President of the United States, but the judges of the provincial courts and the justices of the peace are

appointed by the governor of the island. Cases may be carried by appeal from the supreme court of the island to the Supreme Court of the United States.

IV. *Guam and Samoa (Tutuila).* Governmental power in these islands is vested in the naval officers who happen to be in command of the naval station. As a matter of fact the inhabitants of the islands in a large degree govern themselves. At times, however, it is necessary for the naval officer to interpose his authority, and upon such occasions his orders have the force of laws.

V. *The Virgin Islands.* These islands, purchased (in 1917) from Denmark and acquired as a base for naval operations, are under the direct control of the Navy Department.

CHAPTER XII

PARTY ORGANIZATION

In almost every township, village, election district, and city ward, each of the great parties has its permanent local committee of management. Likewise it has its permanent county, city and State committees. Above all these it has a permanent *National Committee,* consisting of one member from each of the States and Territories.

These permanent committees do the heavy work of politics. Indeed, they do *all* the work of politics except the voting. They issue calls for the nominating conventions to be described below; they organize political clubs; they arrange for political mass meetings and processions; they solicit funds for conducting campaigns; they urge voters to register, and then urge them to come to the polls; in many other ways they promote and defend the interests of the party, through good and ill report, after defeat as well as after success.

The chief task of the permanent committees is to keep the nominating machinery of the party in motion. The nomination of candidates is accomplished in two ways, by the direct vote of the members of the party, and by the action of party conventions. Under

the plan of direct nominations the voters go to a primary meeting, which is managed in practically the same way as a regular election, and vote directly for the candidates whom they wish to represent their party at the next election. In other words, under the direct system the voters select their own party candidates; they do not entrust the selection to party representatives, or to the action of party conventions. When county officers, for example, are to be nominated, the voters of a party, instead of electing delegates to a county convention authorized to nominate these officers, express their choice for candidates at primary elections held throughout the county, and the candidates who win at the primaries are put on the ticket as the regular party nominees. If a candidate for governor is to be chosen the voters of the party throughout the State express their choice at the primaries and the person most in favor at the primaries becomes the regular party candidate for governor.

The direct method of nominating candidates has been adopted by a majority of the States and in many States it extends to the nomination of all candidates, from the lowest to the highest.

In some of the States candidates for the higher offices are nominated by the conventions composed of party representatives or delegates. Under this system a candidate for sheriff for example is nominated at a county convention composed of delegates chosen at primary meetings which have been held throughout the county. When a candidate for a State office is

to be nominated as, for example, a candidate for governor, the county (or city) conventions throughout the State send delegates to a State convention which nominates the candidates for governor.

Party organization in the United States was built up while men were finding a way to nominate a candidate for the Presidency and the Presidential nomination is still the central object of party activity. Since this is so, party organization may be best understood by following the workings of a party in a presidential year.

In the States which have adopted the plan of direct nomination each of the great parties by a direct vote of its members elect delegates to the National Convention which nominates the party candidates for President and Vice-President. In a few States at the primaries at which these delegates are chosen the voters are given an opportunity to express their preference in respect to presidential candidates.

The meetings and conventions in states where the convention system is in operation will now be described.

I. *The Primary or Caucus.* In the spring of a presidential year the permanent local committees of the lowest grade, in response to an order which has come down to them through the State committee from the National Committee, call upon the voters of the party within the town or election precinct or ward, to take action in a *primary* meeting—sometimes called a *caucus*—upon matters relating to the nomination of a candidate for President. At this Primary meeting

delegates to a county (or city) convention are elected. For many years the primary, like the entire party organization, was an *extralegal,* voluntary institution. It was controlled by rules made by party managers and whether it was conducted honestly or otherwise was not an affair of governmental concern. If at the primary election there was cheating or irregularities no one could be punished. But in recent years, in most of the States, primaries have been placed under the control of the law and have been conducted as regularly and as honestly as other elections are conducted.

II. *The County (or City) Convention.* The delegates chosen at the local primary are sometimes *instructed* to act in the interest of a certain man as the party candidate for President, and sometimes they are left free to act as their judgments direct. In a short time after the primary election they assemble (usually at the county-seat) as the *county convention* of the party which they represent. This body, consisting perhaps of forty or fifty men, elects three or four or five delegates to represent the party in a State convention. If the county convention is in favor of a certain man for President it may instruct these delegates for this man in the State convention.

III. *The State Convention.* A few weeks after the county convention, delegates from all the counties (and cities[1]) assemble at some convenient place as

[1] In a city each ward in primary meeting sends delegates to a city convention and this body elects delegates to the State convention to meet with the delegates from the counties.

the State convention of the party. This body, consisting sometimes of several hundred men, passes resolutions expressing the political views of the party in the State, names its choice for presidential candidate —if it happens to have a choice—and elects delegates to a National Convention, the number of delegates allotted to each State being twice the number of its representatives in both Houses of Congress.[2] Sometimes it also selects candidates for presidential electors. Although the men in this convention are several degrees removed from the voting mass, yet if the sentiment at the primaries is pronounced and definite it will find expression in the State convention. If, on the other hand, the voters at the primaries give no direct indication of their will the delegates in the higher conventions must act according to their judgment.

IV. *The National Convention.* In June or July, all the State conventions having been held, the delegates from the States (and Territories) assemble as the great *National Convention.* This body, consisting of more than a thousand men, meets in some convenient city, and after several days of discussion, expresses the views of the party upon public ques-

In some States the delegates elected at the city primaries go straight to the State convention or to a congressional district convention.

[2] In most of the States the State convention elects only four delegates (called delegates at large) to the National Convention, the other delegates being elected at congressional district conventions, two delegates being chosen from each district. Where this is the practice the district convention selects a candidate for presidential elector.

tions in the shape of a *platform* and chooses candidates for President and Vice-President.

After all the political parties have named their candidates the struggle for election begins. Political meetings are held, the claims of the candidates are urged, the platforms are explained and defended, and everything that can be done to influence voters is done.

The campaign, with all its faults, is a most wholesome element in our public life. It is the school-time of democracy. By it, men's attention is strongly attracted to public affairs, civic spirit is awakened, and voters are educated. The greatest objection to lengthening the presidential term is that to do so would be to deprive the people of the great educational advantage of frequent presidential campaigns.

The campaign continues until the election day, the first Tuesday after the first Monday in November, when the voters render their decision. They do not vote for a President directly, but for electors as the Constitution provides (**146**). Since these electors are nominated and elected by a party they are morally bound to vote for the candidate of the party which elected them, and no elector has ever proved unfaithful to the party that elected him. The President is, therefore, really elected at the polls.

The electors chosen in November meet in their respective States on the second Wednesday in January and vote for President and Vice-President. The results of this vote are despatched from the several States to the President of the Senate

at Washington and on the second Wednesday in February Congress meets to count the votes. The person receiving the majority of the votes cast for President is declared to be elected, and the person receiving the majority of the votes cast for Vice-President is declared to be elected. When no person receives a majority of all the electoral votes, the Constitution provides that the House of Representatives shall choose a President and the Senate a Vice-President, and states precisely how the election shall be conducted (**148**).

CHAPTER XIII

POLITICAL PARTY PLATFORMS

DIFFERENCES of opinion on national issues have caused the organization of a number of political parties in the United States. Of the parties now in existence the Democratic is the oldest, dating back to the time of Jefferson. It was first known as the Democratic-Republican party. In 1824 there came a split and the Democratic party as organized in 1828–1831 is stated by some authorities as the real beginning of the present Democratic party.

As a direct result of the passage of the Kansas-Nebraska bill, making slavery possible in the north, the Republican party came into being in 1854.

Actuated by a desire for national and State legislation to stop the liquor traffic, the Prohibition party was organized in 1869 and nominated its first national ticket in 1872.

The Socialist-Labor party, organized as a propaganda society in 1877, decided in 1890 on permanent independent political action. It differs from the Socialist party in advocating a complete reconstruction of government, replacing Congress by a parliament elected by industries or occupations instead of by localities, and direct democratic control of industry by the workers employed therein.

In 1888 a faction which believed in political action as a working class party left the Social Democracy and in 1890 with a group of the Socialist Labor party organized the present Socialist party.

The organization of the Progressive party in 1912 was caused by discontent in the Republican party.

A statement of reform principles has been announced by the National party, formed in 1917.

Party Principles. Each political party, at its national and state conventions, adopts a platform declaring its principles. Before affiliating with a party, the citizen should not only study carefully the principles outlined in the platforms, but should note whether the parties through their elected candidates put these policies into effect.

At their 1916 conventions, both Republican and Democratic parties declared for the protection of the American citizen and for the enforcement of the Monroe doctrine, although they differed as to the methods by which these ends may be attained. Both platforms approved friendly and helpful inter-relations of Pan-American countries, the conservation of natural resources, provision for national defense, economy in government and the budget system, upholding the civil service regulations and the extension of suffrage to women.

Democratic Platform. The Democratic party reaffirmed its belief in tariff for revenue and endorsed the Underwood tariff bill as exemplifying that doctrine. It endorsed the pending shipping bill. It commended the current administration (Demo-

cratic) for its legislation on behalf of the farmer. It stated that the Federal Government should put into effect these "principles of just employment" and should urge them in State legislation: "A living wage for all employees; a working day not to exceed eight hours, with one day of rest in seven; the adoption of safety appliances and the establishment of thoroughly sanitary conditions of labor; adequate compensation for industrial accidents; the standards of the 'Uniform Child Labor Law' wherever minors are employed; such provisions for decency, comfort and health in the employment of women as should be accorded the mothers of the race; an equitable retirement law providing for the retirement of superannuated and disabled employees of the civil service to the end that a higher standard of efficiency may be maintained."

It favored "the speedy enactment of a Federal Child Labor Law," "the regulation of the shipment of prison-made goods in interstate commerce," "the creation of a Federal Bureau of Safety in the Department of Labor," "the extension of the powers and functions of the Federal Bureau of Mines," "the development upon a systematic scale of the means already begun under the present administration to assist laborers throughout the Union to seek and obtain employment," public health work, the establishment by the Federal Government of sanatoriums for needy tubercular patients, the alteration of the Senate rules to secure prompt transaction of business.

Self-government for the Philippine Islands was en-

dorsed. These principles of prison reform were urged: Training in remunerative occupations, the setting apart of the net wages of the prisoner for his dependent family or to be paid to him upon his release, the liberal extension of the principles of the Federal Parole Law and the adoption of the probation system. Generous pensions for soldiers and their widows were recommended. The development of harbors and waterways was favored and the control of the Mississippi River was stated as a national problem to be handled by the National Government. Legislation for the development of Alaskan resources was pledged and the granting of the United States traditional territorial government to Alaska, Hawaii and Porto Rico was favored.

Republican Platform. The Republican platform condemned the Democratic policy of granting self-government to the Philippine Islands immediately and reaffirmed its policy of government by the United States with constantly increasing participation by the Philippine people. It reiterated its approval of treaties recognizing the absolute right of expatriation and pledged itself to maintaining the right of asylum.

It repeated its belief in a protective tariff and condemned the Underwood tariff bill. It expressed belief in "rigid supervision and strict regulation of the transportation and great corporations of the country" and "that all who violate the laws in regulation of business should be individually punished." The Democratic policy in this regard was condemned as involving "the Government in business which should

be left within the sphere of private enterprise and in direct competition with its own citizens."

It declared that the Democratic administration had not made good its claims of beneficial legislation for rural credits and extension of rural free delivery and pledged itself to accomplish these things. It disapproved the Government ownership of vessels proposed by the Democratic party and instead favored liberal payments to ships in the foreign trade for services in carrying the mails, and the passage of other legislation to aid the merchant marine. It recommended the placing of the entire transportation system of the country under Federal control.

It pledged the party to faithful enforcement of all Federal laws passed for the protection of labor, declared for vocational education, the enactment and rigid enforcement of a Federal child labor law, the enactment of a generous and comprehensive workman's compensation law, within the commerce power of Congress; an accident compensation law covering all Government employees, and legislation for public safety.

Socialist Platform. The Socialist platform stated: "The Socialist party as the political expression of the economic interests of the working class calls upon them to take a determined stand on the question of militarism and war, and to recognize the opportunity which the Great War has given them of forcing disarmament and furthering the cause of industrial freedom." It further declared, "Socialism admits the private ownership and individual direction of all

things, tools, economic processes and functions which are individualistic in character, and requires the collective ownership and democratic control and direction of those which are social or collectivistic in character."

The platform recommended as peace measures "that all laws and appropriations for the increase of the military and naval forces of the United States shall be immediately repealed," that the power to fix foreign policies and conduct diplomatic negotiations be lodged in Congress, exercised publicly and that the people be free by referendum at any time to order Congress to change its policy: that no war be declared or waged by the United States at any time without a referendum vote of the entire people, except for the purpose of repelling invasion; the abandonment of the Monroe doctrine, immediate self-government for the Philippine Islands, the calling by the Government of a congress of all neutral nations to mediate for lasting peace and to arrange for an International Congress with power to adjust disputes between nations and to guarantee equal rights to all oppressed nations and races.

The political demands in the platform were outlined as: Equal suffrage for men and women, the adoption of the Susan B. Anthony suffrage amendment, the initiative, referendum and recall and proportional representation, national and local; abolition of the Senate and veto power of the President, election of President and Vice-President by direct vote of the people, provision for the amendment of the

National Constitution by a majority of the voters, a convention to revise the National Constitution, abolition of the power of the Supreme Court to pass upon the constitutionality of legislation enacted by Congress, the only repeal for such legislation to be by Congress or referendum vote of the whole people; abrogation of the power of the courts to issue injunctions, election of all judges to United States courts for short terms, free administration of the law, suffrage for the District of Columbia with representation in Congress and a democratic form of municipal government for purely local affairs, extension of democratic government to all United States territory, freedom of the press, speech and assemblage, increase of income and corporation taxes and extension of inheritance tax, general educational measures, vocational education, health measures, abolition of monopoly ownership of patents in favor of collective ownership with direct royalty rewards to inventors.

The industrial demands were: A shortened work day, freedom of political and economic organization and activities, a rest period of not less than a day and a half in each week, more effective inspection of workshops, factories and mines, employment forbidden for those under eighteen years old, interstate transportation of child labor products and products of uninspected factories and mines forbidden, minimum wage scales, old age pensions, state insurance against unemployment and sickness, compulsory insurance by employers of their workers, without cost

to the latter, against industrial diseases, accidents and death; mothers' pensions.

Prohibition Platform. The Prohibition platform declared primarily for national and state legislation to stop the liquor traffic. It endorsed suffrage for women, a world court for peace, abolition of militarism, employment of the army in normal times in reclamation work. It claimed protection for the American citizen, reaffirmed its faith in the Monroe doctrine, recommended that the Philippines be governed by the United States with increasing local privileges, and urged reciprocal trade treaties and a tariff investigation commission. It recommended legislation for the merchant marine, upholding civil service regulations, labor legislation, public grain elevators operated by the Federal Government, Federal grain inspection under a system of civil service and the abolition of any institution in which "gambling in grain" "or any other so-called speculation is indulged in." It endorsed Government warehouses for cotton, public ownership of utilities and the development of free institutions. It declared that departmental decision ought not to be final and that the people should be protected by provision for court review. Conservation of natural resources, economy in government and the budget system, the right of the President to veto any single item in an appropriation bill, uniform marriage and divorce laws, a single presidential term of six years, the initiative, referendum and recall were endorsed.

CHAPTER XIV

INTERNATIONAL RELATIONS

THE management of international affairs is a service of the highest importance, and the power to direct foreign relations is a sovereign power. In the United States all power in respect to matters of an international character is lodged in the federal government, the organ of our national sovereignty. International affairs have never been regulated by the State. Under the Articles of Confederation negotiations with foreign countries were conducted by the Congress; under the Constitution States are expressly forbidden to enter into political relations with foreign countries (72), and the management of international affairs is given to the President and Senate (95).

The international political affairs of a state are conducted by its diplomatic representatives, of whom the *ambassador* is the highest in rank. The ambassador represents the *person* of the executive of the country from which he comes, and he receives for this reason the highest personal respect and consideration. A *minister,* who is next to the ambassador in rank, represents the *government* from which he comes, but not the personality of the executive. In foreign courts an ambassador, being a personal representative of a ruler, is admitted to an audience with officials ahead

of a minister. For a long time a minister was the highest diplomatic representative of the United States, but when it was found that under the rules of precedence in favor of ambassadors a minister of the United States was sometimes kept waiting for an official audience while the ambassador of some petty kingdom was being received, Congress (in 1893) created the rank of ambassador. We have ambassadors for Great Britain, Germany, France, Italy, Austria, Mexico, Russia, Brazil, Japan, Spain, Chile, Argentina, and Turkey. In other countries we are represented by ministers.

Ambassadors and ministers, their property and their households, are exempt from the laws of the country to which they are accredited. The residence of a foreign minister is, according to international law, a little patch of territory under the dominion of the country which the minister represents. If the Chinese minister at Washington should commit a crime, Chinese and not American authorities must try the case and administer the punishment. If a case should arise where a judicial decision affecting diplomatic agents is necessary, it must be taken direct to the Supreme Court, no matter how trivial it may be (**110**).

The duties of a diplomatic representative depend upon the powers which his government has conferred upon him and upon the relations which exist between his government and the one to which he is sent. In general, he represents and defends the interests of his country. He keeps the home government informed

upon topics of public interest, especially upon political topics, but he must not interfere in any way with the politics of the country where he resides. When a citizen of his own country has been injured by a violation of a rule of international law he seeks a remedy from a foreign government, and when a treaty is made he usually serves as the channel of negotiation.

A *consul* is a business agent of a government sent to a seaport or inland city to look after the welfare of citizens of his own country. He does not represent a government, he is not a diplomatic agent, and he does not enjoy the honors and immunities of a minister. Sometimes a *consul-general* is appointed to supervise all the consuls in the country to which he is sent.

The first duty of the consul is to aid his countrymen in securing their commercial rights. Among his other duties are the following: He places the consular seal upon official acts of the foreign government; he certifies to marriages, births and deaths among his countrymen in his consular district; he certifies invoices; he administers on the personal property of deceased persons when there is no representative at hand. The consul receives applications for passports, and, when specifically authorized to do so, grants them. He also grants passports in the absence of the regular diplomatic representatives.

When two or more states are at war and desire peace, or if in times of peace their commercial or monetary systems require adjustment, or if their *boundaries need* to be defined, or if in any way their

international affairs are to be regulated, they may accomplish any of these objects by entering into a solemn compact or agreement called a *treaty*. A treaty, when made by sovereign states and signed by the proper diplomatic agents, and ratified by the governments of the signatory powers, becomes the law for all the states entering into the compact. In the United States a treaty concluded by the federal government is the supreme law of the land (**126**), and any State law in conflict with a treaty which is constitutional is null and void. Since a treaty is simply a law, Congress may repeal a treaty by passing a law contrary to its provisions, or an existing law may be repealed by the terms of a new treaty. A treaty contrary to the Constitution is void.

If a citizen violates a treaty his government will punish him as the violator of a law; but suppose the state itself should violate one of its treaties, is there a power to punish the state? There is no power but the sword of the aggrieved country. The violation of treaty obligation is universally regarded as a just cause of war. But suppose a powerful state violates a compact which it has made with a puny state? In such a case punishment through war is out of the question and the weak state must rely upon the natural operation of the law of nations. "In the eye of international law treaties are made to be kept," and if a powerful nation persistently and perversely breaks its treaties it will incur the hostility of its neighbors and sooner or later these will combine and force it to abide by the rules of international law.

The President, acting through the Secretary of State and diplomatic agents, negotiates treaties with foreign powers. After a treaty has been framed, if it meets with the approval of the President, it is sent to the Senate, where it must be ratified by a two-thirds vote (**95**). If it is successful in the Senate it is sent to the foreign government for ratification. When it has been ratified by the foreign power the treaty is law for all the states whose governments have signed it.

A treaty provides for the peaceful intercourse of two or more nations in the future. How shall questions and disputes arising out of past transactions be settled? One nation has wounded the pride of another, or has trespassed upon its boundaries, or damaged its commerce, or maltreated its citizens; how shall the injured nations find redress without declaring war? Nations which are capable of a humane and enlightened policy may find a peaceful exit from the most exasperating situations: they may submit their differences to a court of *arbitration,* just as private citizens often submit their differences to arbitration in order to avoid a battle in the courts of law.

Nations wishing to settle a dispute by arbitration enter into a preliminary treaty, and agree upon a method of selecting the members of the arbitration board, appoint a time and place for the meeting of the board, and define precisely the question to be settled. The arbitrators, like impartial judges, listen to the claims of the several states, investigate and *weigh* the facts pertaining to the case, and render a

decision in accordance with the facts and the principles of justice. When the decision of a board of arbitration has been fairly obtained, all the nations affected by it are under the most solemn obligations to acquiesce in it.

During the nineteenth century international disputes were settled by arbitration more frequently than ever before, and in the number of cases submitted to arbitration the United States led the nations of the world. The increasing success of arbitration, and the expressed desire of many of the great powers to adopt it as a substitute for war, have encouraged lovers of peace to look forward to a time when the countries of the earth shall agree to submit all differences to a permanent board of international arbitration. If such a tribunal shall be constituted and its decisions obeyed, peace may be permanent and the money and talents and energy that are devoted to the support of war will be devoted to commerce and industry.

For preventing the sudden outbreak of war the following plan has been proposed: All the great nations of the world are to join in a Peace League and are to agree that, when a dispute arises between two countries, the question in dispute, if it cannot be settled in the ordinary manner, shall be submitted to a court, or to a "Council of Conciliation," and that neither nation shall begin war upon the other until the court, or council, renders its decision. After the decision is rendered the nation against which the case is decided may go to war if it wills to do so, for

it will not be compelled to abide by the judgment of the court. If the war between two nations of the Peace League is begun *before* the question in dispute is submitted to a tribunal, then all the other nations are to join together and use their military and financial forces against the nation that strikes the first blow.

CHAPTER XV

TAXATION

GOVERNMENT in America must receive its revenue through the consent of the legislature. When the legislature makes a general call upon the citizens for contributions for the support of government, it is said to tax them. When the levy or call is properly made the contribution is compulsory and cannot be escaped. A *tax,* therefore, may be defined as an enforced contribution of money levied by the legislature on persons, property or income, for the support of government. Property is the thing universally taxed. If any property escapes taxation, it is not as a rule the fault of the law, for legislators attempt to tax almost everything upon which a tax can possibly be laid. For the sake of system they divide property and other subjects of taxation into classes and name the tax according to the class upon which it is levied. The kinds of taxes which are usually collected are the following:

1. The *general property tax,* levied (*a*) on *real property,* which includes lands and buildings and other things erected on land, and (*b*) on *personal property,* which includes such things as household furniture, money, goods, bonds, notes of promise,

stocks, mortgages, jewelry, horses, carriages, automobiles, and farming implements.

2. The *income* tax, levied upon income whether from wages or salary or profits upon business.

3. The *inheritance tax,* levied upon property acquired by inheritance or will. Sometimes this tax is regarded as an income tax, an inheritance or legacy being considered as nothing more than a part of the yearly income.

4. The *corporation tax,* levied upon private corporations. This tax sometimes takes the form of an income tax levied upon the corporation regarded as a person; sometimes it is levied upon the bonds and stock of the corporation. In a few States it is levied upon the earnings of the corporation.

5. The *franchise tax,* levied upon a privilege granted by government. When a city council confers upon a corporation the right to operate a trolley line upon a certain street, the right conferred is a franchise, and upon the value of this right the franchise tax is laid. Though franchises are not material, visible property they have nevertheless been declared by the Supreme Court of the United States to be property. Sometimes franchises have an enormous value. For example, while the tangible property, the rolling stock, rails, wires and power-houses of a trolley company may be worth only a million dollars, the right to use the street (the franchise) would not be sold for a sum several times as great. Sometimes a corporation is compelled to pay both a franchise tax and a *property tax* on its material possessions.

6. The *poll* or *capitation tax* is a sum ranging from one to four dollars levied as a personal tax. It is a tax on the person, as a person, and not as a possessor of property.

7. *Customs duties,* levied upon articles imported from a foreign country. In some countries customs duties are levied upon exported articles, but this cannot be done in the United States (67).

8. *Excises* or *internal revenue taxes,* levied upon goods manufactured within the country. The articles which yield most of the internal revenue are: distilled spirits, beer, ale, tobacco and oleomargarin and playing cards. The corporation tax is also regarded as an excise.

9. *License taxes,* collected from merchants, peddlers, hack-drivers, showmen, saloon-keepers, and others, for the privilege of transacting business. The license tax resembles the franchise tax.

10. *Fees and special assessments,* collected as a partial payment for services rendered by the government. The charge for issuing a marriage certificate is an example of a fee, while a charge made for connecting a private drain with a public sewer is an example of a special assessment. Fees and special assessments are not always taxes properly so called.

It is sometimes contended that one's duty in respect to the payment of taxes should be measured, not by ability, but by sacrifice. According to this view a tax is burdensome, not in proportion to what is paid, but to what is left. To equalize the sacrifice of taxpayers a graduated or progressive tax has been pro-

posed. Under the workings of this tax the rate increases with the amount of property. For example, if A, B, C and D are worth respectively $10,000, $20,000, $30,000 and $40,000, a scheme of progressive taxation might impose upon A a rate of one per cent., upon B a rate of two per cent., upon C a rate of three per cent., and upon D a rate of four per cent. D's property is only four times as great as A's, yet it pays sixteen times as much in taxes.

The principle of progressive taxation is recognized in the federal income tax imposed upon the incomes of individuals and corporations. In addition to the underlying or normal tax Congress levies a surtax the rate of which increases as the income grows larger. A few States have progressive income taxes while many have progressive inheritance taxes.

One of the most radical of tax reforms is the plan by which all revenues, federal, State and local, are to be raised from a single tax imposed on land. According to this plan, men should contribute to the support of government, not in proportion to what they produce or accumulate, but in proportion to the value of the natural opportunities they hold; and it is contended that the landholder is the great monopolist of natural opportunities. The single tax would be laid upon land as such, and not upon the improvements upon land. The tax upon a vacant lot, provided it were as favorably located, would be as heavy as the tax upon a lot improved by a magnificent structure. The fundamental principle of the single tax is this: The individual should get the advantage

of all improvements upon land, while the government (society) should get the advantage of favorable location, and of the increased values that accrue to land in a community which is progressive and which is increasing in population.

In 1916 Congress imposed an inheritance tax, known as the Estate Tax, upon the estates of all decedents leaving property valued at $50,000. This tax is graduated, the ratio being from one per cent. on estates of $50,000 to ten per cent. on estates of $5,000,000.

It is plain that expenditures for government in the United States must be very heavy, for there are three highly organized governments to be supported: the federal government with its army and navy and courts of law and high officials and thousands upon thousands of employees; the State governments with their numerous departments; the local governments with their school system and charitable institutions and highway improvements and police and sanitary service. In normal times the federal government spends about $1,250,000,000 a year, State and Territorial government about $250,000,000, local government about $1,500,000,000, making a total public expenditure of $3,000,000,000 a year. These numbers in themselves mean nothing—they are too large for the mind to grasp—but comparison enables us to comprehend their significance. $3,000,000,000 is about one-twelfth of the combined annual earnings of every man, woman and child in the United States. The people, therefore, contribute to government in a year about as much as they earn in a month.

CHAPTER XVI

PUBLIC FINANCE

SINCE under our dual system of government taxation is a concurrent function exercised with sovereign power by the State as well as by the federal government, and since each government determines its own expenditures, public finance in the United States is resolved into two sharply defined systems—national finance and State finance. The system of national finance will first receive attention.

At the opening of every regular session Congress receives the report and recommendations of the Secretary of the Treasury, containing detailed estimates prepared by the heads of departments of the sums necessary for the maintenance of the national government. Not a dollar of the estimates can be raised constitutionally without the consent of Congress. As a matter of practice, the consideration of the estimated expenditures begins in the House of Representatives, where the recommendations found in the Book of Estimates are referred by the Speaker to the proper committees.

The committees virtually control federal expenditures. There is no limitation upon their power of *appropriation*, except that any appropriation for the

support of the army shall not be made for more than two years (56). They take the estimates submitted by the Secretary of the Treasury and do with them as they please. Sometimes they accept them, sometimes they modify them, but often they ignore them altogether. It is their function to prepare bills providing for the expenses of the government; and in this exercise of their duty they are entirely independent of executive authority. Quite often they invite treasury officials to assist them and advise them, but they are under no constitutional obligation to do so. The committees express their judgments in reference to the proper expenditures in the form of appropriation bills. These, like all other bills, must run the gauntlet of legislation. They must pass both houses and receive the signature of the President. When they have received the signature of the President and have become laws, the first step in national finance has been taken: it has been determined how much money shall be spent for the support of the federal government.

The second step in national finance is taken when Congress passes the laws for raising the money which it has decided to spend. While private individuals ordinarily estimate their income first and then decide upon their expenditures, governments are accustomed to estimate their expenditures first and to attend to the matter of income afterward. Bills for raising national revenue must originate in the House of Representatives (36), because the House directly represents the people. Post-office bills and bills relating to the mints and to the sale of public lands may orig-

inate in the Senate, and any revenue bill whatever may be modified to almost any extent in the Senate. The House Committee of Ways and Means has exclusive control of bills for raising revenue. Since this committee prepares the tax bill for the nation, it is justly regarded as the most important committee in Congress.

When levying taxes for the support of the national government Congress has many sources of revenue upon which it may rely. One of these is the tariff, that is, the customs duties on imports. In normal times the customs tax ordinarily yields nearly half of the national revenue. The customs tax is levied upon several hundred articles, but most of the tariff revenues are collected from manufacturers of wool, cotton, silk, iron, copper and tin, and from sugar, fruit, liquor, wines, cigars, drugs and chemicals. Among the articles admitted free of duty are: coffee, tea, anthracite coal, books over twenty years old, dyewoods and fertilizers.

Federal revenues not raised by duties on foreign goods are for the most part derived from excises—taxes on articles produced in the United States—from an inheritance tax, and from an income tax imposed on individuals and corporations.

We now come to the subject of State finance.

Although they may differ somewhat in detail, the financial systems of the States are quite uniform in their workings. Authority for all public expenditures within each State flows directly or indirectly from its constitution and its legislature. Expenses of the

State government are estimated and levied directly by the legislature, and are usually comparatively light. In some States the constitution limits the amount which can be levied in one year.

The heavy expenses of local government are met by taxation imposed by the minor legislative bodies, by the municipal council, or board of county commissioners—a legislative body as far as taxation is concerned—or town-meeting, or the township supervisors or trustees. Cities, counties, and other minor civil divisions are strictly under the control of the State government, and the limits of their power to tax are usually defined by the higher authority. In some States the limitations are fixed by the legislature, in others by the constitution. In about one-third of the States counties are not allowed to tax beyond a certain per cent. of the assessed valuation of property. Municipalities, in the matter of taxation, are often restricted by the terms of their charters. Taking the country over, however, the localities are quite free to tax themselves as they see fit. The most that the legislature or the constitution undertakes to do is to throw around the local taxing power such safeguards as will prevent bankruptcy. Since the greater part of the sum paid for taxes is levied by local authority with the almost direct sanction of the voters themselves, it can almost be said that the people *are not taxed*—for they really tax themselves.

Very often a legislature makes appropriations in a hap-hazard, extravagant manner, with the result that the finances of the State are in an unsatisfactory con-

dition. In order to remedy the evils of indiscriminate and unsystematic action by the legislature, a "budget system" has been proposed. Under this system the Governor submits to the legislature an itemized statement of the needs of all the State departments. This statement, called the "budget" is used as a basis for legislative action when making appropriations. Advocates of the system are in favor of allowing the legislature to *reduce* an item of the budget, but would withhold from it the power to *increase* an item. Of course the power of the legislature could not be thus restricted except under the authority of the State Constitution. The budget system is in operation in Great Britain and other foreign countries and a movement for its adoption in the United States is gaining strength. In fact, in several States, the system has already been adopted.

In the State the general property tax is the great source of revenue. This tax reaches all property, real and personal, located within the boundaries of the State. When the owner of property resides outside the State, he does not escape taxation for that reason.

In the payment of the general property tax the taxpayer should bear a burden proportioned to his wealth; all the property of every person should contribute according to its true value. This is a fundamental principle of taxation. In order to realize this principle of equality and justice when levying the general property tax the government must set in motion an elaborate taxing machinery, and must carefully control all the processes of taxation.

Its officers, called assessors, must discover all the property of every person and place on it a fair valuation. The sum of all the valuations of property thus made in a community is the assessment of the community. The tax rate of the community is found by dividing the expenditures determined upon the assessment. But the community, even if it be a large city, most probably is located in a county in which there are additional expenses of county government. The local division must bear its share of these expenses, and this will increase the rate of the taxpayer. The county rate is found by dividing the county expenditures by the county assessment, which is the sum of the assessments of all the local divisions of the county. Again, the county as a part of the State must contribute its share to the support of the general State government. The State rate is found by dividing the State expenditures by the State assessment (the sum of the county assessments). This rate added to the local and county rates gives the full tax rate of the local taxpayer.

The government must provide agencies for correcting unjust and unfair valuations. Very often there is a local board of equalization, to which taxpayers may appeal when they think they have not been treated fairly by the assessors. Sometimes such complaints are taken to an appeal tax court, or to the board of county commissioners. When the board of equalization or other body to which appeal is made finds that there has been an unjust assessment, it will order a new one made. State boards of equalization

have been established in some instances to correct evils growing out of uneven assessment among localities. Where assessors of one locality place the valuation of property too low and those of other localities name the true valuation the citizens of the latter are obliged to contribute more than their just share to the state expenses.

When the taxpayer fails to pay his tax-bill promptly the property upon which the tax is levied is said to be delinquent, and is liable to be sold to satisfy the claim. If the property sold for taxes should bring more than the amount of the tax the excess is given to the owner. Moreover, the owner usually has the right to buy back his property at the price for which it is sold. This right of redemption, however, continues for only a limited period, usually two years.

State constitutions almost always specify the kinds of property that may be exempt from taxation, and the legislature is usually forbidden to exempt any other kind. A clause from the constitution of Minnesota will illustrate the practice in reference to exemption: "Public burying grounds, public schoolhouses, public hospitals, academies, colleges, universities and all seminaries of learning, all churches, church property used for religious purposes, and houses of worship, institutions of purely public charity, public property used for public purposes, and personal property to an amount not exceeding in value two hundred dollars for each individual, shall by general laws be exempt from taxation." Many

States are careful to exempt household furniture to a certain value. Thus the constitution of Texas provides that two hundred and fifty dollars' worth of household and kitchen furniture shall be exempt from taxation.

A most important topic of public finance is *public debt.* The necessity of incurring debt in the conduct of public affairs is perhaps stronger than it is in the management of private business. Governments cannot accumulate money; they must confine taxation to such amounts as are necessary to meet expenses for the current year. At the end of the fiscal year the treasury is supposed to be virtually empty. This is unquestionably the correct policy. A government is sorely tempted to be extravagant when it has more money on hand than it needs. It has been said with some truth that the way to keep governments pure is to keep them poor.

Since it cannot save for a rainy day, when the rainy day comes, and large sums of money must be had at once, government must borrow. Increased taxation cannot be relied upon to supply the necessary revenue. In 1863 the federal government used its taxing power to the utmost to raise the money for the support of its war operations, yet it could not collect by taxation one-sixth of what it spent during the year. More than five-sixths of its expenses had to be met by borrowing.

When a government wishes to raise money by borrowing, it usually sells its *bonds* to *voluntary* buyers.

A government bond resembles a promissory note given by an individual who borrows money. In the bond are stated the amount owed by the government, the date of payment, and the rate of interest.

CHAPTER XVII

MONEY

THE currency of the United States consists of gold coin, certificates representing gold, silver dollars, certificates representing silver, subsidiary coins of silver, bronze and nickel, United States notes (greenbacks), national bank notes and federal reserve notes.

The precious metals—gold and silver—are coined under the authority of Congress. In 1792 Congress provided that all gold or silver brought to the government mint should be coined free of expense to the person bringing the metal. The relation that was to exist between the value of gold and that of silver was stated in these words: "Every fifteen pounds weight of pure silver shall be equal value in all payments with one pound of pure gold." The law of 1792 thus provided for the free coinage of gold and silver at the ratio of 15 to 1. In 1834 Congress changed the ratio—placing it at 16 to 1. The free coinage of the two metals at this ratio continued until 1873 when Congress demonetized silver, that is, discontinued its coinage entirely.

The demonetization of silver proved to be a very unpopular measure. Accordingly Congress in 1878 passed the "Bland-Allison Act." This provided

"that the government should buy not less than two million dollars' worth, and not more than four million dollars' worth of silver bullion each month, and coin it into silver dollars, these to be full legal tender." This law remained in force for twelve years, during which $378,166,793 in silver was coined, $57,000,000 entering circulation and the remainder being deposited in the vaults of the Treasury and silver certificates being issued against it.

In 1890 the Bland-Allison act was repealed and the Sherman Act was passed, requiring the Secretary of the Treasury to purchase at its market value 4,500,000 ounces of silver each month and pay for it with treasury notes. A further decrease in the value of silver led to a demand from the holders of treasury notes for redemption in gold. The Treasury faithfully redeemed in gold, but the fear that the reserve would be exhausted and that silver, a dollar of which was worth only sixty-seven cents, would be the only money available for redemption purposes, caused a panic in the financial world. This led to the repeal (in 1893) of the purchasing clause of the Sherman Act and thus the issue of treasury notes ceased.

Since 1893 coinage has been on a gold basis. No silver bullion has been purchased at the mints for purposes of regular coinage since that date, although a considerable portion of that which was bought under the Sherman Act has been coined as Congress has from time to time directed. Under a law of 1900 gold was made the standard unit of value and no provision was made for the coinage

of silver other than that which was already in stock. Silver dollars and silver certificates, however, are still legal tender, and it is the declared policy of the government to keep them on a parity with gold; that is to say, when silver certificates are presented to the treasury for redemption it is the policy of the government to redeem them in gold at their face value, and if silver dollars are presented for exchange they will be exchanged for gold, dollar for dollar. The coinage of gold is free.

In addition to the metallic currency we have in circulation a large volume of paper currency. This consists of *bank notes* and *United States notes.* A bank note is a promissory note, payable on demand, made and issued by a bank and intended to circulate as money. Whether a bank note will circulate as money or not ordinarily depends upon the reputation of the bank and upon its ability to pay the note when presented for payment. If those persons to whom the note is offered have no faith in the bank's promise they will not receive the note, and its circulation is thereby made impossible. A United States note (greenback) is a form of paper money issued by the federal government and based upon the credit and good faith of the country. It is a legal tender for all debts public and private.

Paper money, called United States notes or greenbacks, was issued by the government during the Civil War. When the war was over the government began to destroy the notes when they came into the treasury, just as one destroys a promissory note when it

is paid. This policy continued until 1868, when the people demanded that the notes continue in circulation. Now that the greenbacks were to remain in circulation it was necessary to make them as good as gold. So Congress, in 1875, passed the Redemption Act, which provided that after January 1st, 1879, gold, dollar for dollar, should be paid when the notes were presented to the Treasury for redemption. The result was that the notes began to circulate at par. Under the currency law of 1900 the gold reserve in the Treasury was increased to $150,000,000 to safeguard the redemption of the notes. The greenbacks in circulation at the present time amount to about $346,000,000.

In 1863 Congress created a system of *national banks,* which became the basis of our banking system as it exists at present. The national banking law of 1863 has been modified from time to time, but its essential features have remained unchanged. Our national banking system as it is to-day may be described as follows:

(1) National banks with a capital of $25,000 may be organized in towns of less than 3000 inhabitants; in towns of more than 3000 and less than 6000 inhabitants the capital must be $50,000; in places of more than 6000 and less than 50,000 inhabitants it must be $100,000; in places of more than 50,000 it must be $200,000.

(2) The organizers of a bank (not less than five in number) must purchase United States bonds equal in amount to at least one-fourth of the capital of the

bank and deposit these bonds with the comptroller of the currency at Washington. The bank remains the owner of these bonds and receives interest from them.

(3) The bank receives from the comptroller *national bank notes* equal in amount to the par value of the bonds deposited. These bank notes are not legal tender; they are promises to pay—like the old notes of the State banks; like any bank note, in fact.

(4) The bank notes are secured by the bonds in the possession of the Treasurer of the United States. If a bank should fail in business and be unable to redeem its notes in legal tender money, the comptroller will sell the bonds and get the money with which to redeem the notes. A bank note is thus as good as a government bond, as good as the government itself. Banks frequently fail, but the holders of their notes have never lost a dollar by reason of the failure.

In 1913, Congress established a system of federal reserve banks. The purpose of these banks is twofold: to bring about a more even diffusion throughout the country of the money that is already in circulation; and second, to make such additions to the present volume of currency as the conditions of trade may require. Under the federal reserve act the United States has been marked off geographically into twelve districts and in one of the cities of each district there has been established a federal reserve bank. The cities which have federal reserve banks are: Boston, New York, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City (Missouri), Dallas, and San Francisco.

The members and owners of a federal reserve bank are the national banks within the district and such State banks and trust companies as may choose to join under the conditions laid down by the law. The federal reserve bank is a bank of banks: its depositors are the member banks and the deposits in its vaults consist of a certain specified portion of the *reserve fund* which the member banks within the district are required by law to keep in their possession for the safety of their customers. The borrowers from a reserve bank are the member banks within the district. Before 1914, a very large portion of the reserves of banks flowed into two or three financial centers and there was a harmful congestion of money in those centers, but under the act of 1913 the reserves of the banks of a given district will be kept within the boundaries of that district and congestion will be prevented. Yet under certain conditions reserves may flow from one district to another, for in an emergency funds may be transferred from one reserve bank to another, if in the judgment of the Federal Reserve Board, the transfer is desirable.

Additions to the existing volume of currency are made under the act of 1913 by the issuance of federal reserve notes by any federal reserve bank that desires to issue such notes, but no federal reserve notes can be issued without the authority of the Federal Reserve Board. Federal reserve notes are secured not by bonds, as in the case of national bank notes, but by a gold reserve equal to 40% of the face value of the note plus an amount of commercial paper (promis-

sory notes) equal to 100% of the face value. Furthermore, the United States Treasury is pledged to redeem in gold all federal reserve notes actually presented to it for redemption.

The federal reserve banks are wholly under the control of the Federal Reserve Board. This Board consists of the Secretary of the Treasury, the Comptroller of the Currency, and of five members appointed by the President.

In 1916 Congress provided for the establishment of twelve Farm Loan Banks, whose primary purpose is to enable farmers to borrow money on farm-mortgage security at a reasonable rate of interest for long periods of time, and repay the debt in small annual or semi-annual payments. These banks are under the control of the Farm Loan Board.

The following is a summary of our monetary system:

(1) The federal government has complete control of all currency issues whether metallic or paper and may issue legal tender paper money as well as gold and silver currency.

(2) The gold dollar of 23.22 grains is the unit of monetary value, and the coinage of gold is free. The amount of gold coined from year to year is wholly a matter of private initiative. Government does not regulate it. The amount is regulated by supply and demand—the supply of gold bullion and the demand for gold coin.

(3) Silver dollars and silver certificates, the treasury notes of 1890, federal reserve notes and United

States notes (greenbacks) are exchangeable for gold at their face value upon presentation at the treasury of the United States.

(4) This redemption is made possible by the reserve fund of $150,000,000 in gold and other reserves in gold which are at the command of the government.

(5) The paper money, when redeemed with gold, is again used by the government in the payment of its debts, and thus again finds its way into circulation.

(6) The volume of money in circulation is increased by the coinage of gold at the mints and by the notes issued by the national banks and the federal reserve banks.

(7) Bank notes are as good as gold because the government bonds, and other securities which are back of them, are as good as gold.

CHAPTER XVIII

COMMERCE

In the United States power in respect to commerce is divided between the State and the federal government. Foreign commerce, interstate commerce and commerce with Indian tribes (47) are regulated by Congress, while the regulation of commerce carried on wholly within the boundaries of a State is the function of the State government.

From the beginning of our national history to the present time two distinct policies have been advanced in reference to foreign goods: (1) the free-trade policy and (2) the policy of protection. The adherents of the free-trade policy, regarding free commercial intercourse between nations as a good thing in itself, contend that taxes on foreign goods should be levied, not with the view of keeping the goods out of the country, but with the view of raising the necessary revenue, and with that view only. The adherents of the protective policy, desiring to protect home producers from competition with foreign goods, would levy the customs, not so much with the view of raising revenue, as with the view of at least discouraging importations.

The essence of the free-trade argument is that, un-

der normal conditions of production and competition, a country will satisfy its needs with the least possible effort. Those things that can be produced with the greatest economy at home will be so produced, and any surplus will be exchanged abroad for what other nations can produce with less effort. Commerce between two countries, each of which produces according to its natural resources, is always profitable to both countries, the free-traders contend, for each country exchanges that which it wants less for that which it wants more.

The argument of the protectionist is that by imposing high import duties upon certain classes of goods and thereby partly or wholly keeping them out of the country you encourage the production of those goods at home, and this encouragement results in new occupations and in a diversified industry at home. The additional producers thus called into being by the protective tariff are also consumers, and they buy at least a part of the country's surplus. Another argument for protection is based upon the difference in the standards of comfort and rates of wages in different countries. If there were no tariff hindrances the lower standard and the lower wage would be given the advantage in competition and workmen would suffer as a result.

Since passengers as well as goods are included in the term commerce, immigration is regulated by Congress. During the greater part of our history we encouraged immigration, for in the development of *our country* we needed all the brain and muscle we

could get. Had it not been for the millions of immigrants who have come to us from England, Ireland, Scotland, Germany, Russia, Norway, Sweden, France, Italy, a large part of our country would still be a wilderness.

About 1880 Americans began to feel that immigration on a large scale was no longer desirable, and demanded that restraints be placed upon the admission of foreigners. First the Chinese were excluded. In 1882 Congress, in defiance of a treaty with China, prohibited Chinese laborers from coming into the United States, and but few of these people have entered since the exclusion law was passed. In the same year Congress ordered that the character of all immigrants be looked into and commanded that convicts, lunatics, idiots and other persons not able to take care of themselves should not be admitted into the United States, but should be sent back at the expense of the owners of the vessels upon which they came. By a law of 1885 it is made unlawful for certain classes of laborers to enter the United States, if they have previously entered into a contract to perform labor here, and any person brought here under a contract to perform labor can be sent back at the expense of the vessel which brings him here. As a further restriction upon immigration Congress has imposed a tax upon immigrants of eight dollars per person and has prohibited the admission of any illiterate alien who is over sixteen years of age. These restrictive laws have had the effect of checking immigration to some extent, but they have by no means

solved the immigration problem: they have by no means been successful in keeping out all undesirable foreigners and letting in only those whose presence is beneficial.

I. *Interstate Commerce Defined.* Domestic commerce is that which is carried on within the United States, and consists of interstate commerce and intrastate commerce. It is not easy to draw clearly the line which separates interstate from intrastate commerce. Broadly speaking, when a commercial transaction begins in one State and ends in another, that transaction is a subject of interstate commerce, but when a commercial transaction begins and ends in the same State it is a subject of intrastate commerce. When a merchant ships his goods to a point within a State he engages in intrastate commerce; when he ships them to a point outside of the State he is engaged in interstate commerce. A railroad which has its termini and the whole length of its tracks within the State cannot be regarded as being engaged in interstate commerce, but a railroad which has its termini in different States must be so regarded. A river lying wholly within a State and having no connection with bodies of water extending beyond the boundaries of the State—a thing which rarely ever occurs—is an instrument of intrastate commerce, but a river wholly within a State connecting with navigable waters that extend beyond the boundaries of the State is regarded as an instrument of interstate commerce. Does a certain commercial act or a certain instrument of commerce, a river, a canal, a railroad,

concern one State or more than one? If it concerns one State only it is an affair of intrastate commerce; if it concerns more than one State it is an affair of interstate commerce.

II. *The Regulation of Interstate Commerce.* The men of the convention treated the whole subject of commerce with a firm hand. They gave to Congress complete power to regulate commerce between the States (**47**). They forbade a State to lay tonnage (**76**) or any export or import duty without the consent of Congress (**74**). Within its borders a State can regulate its commerce in its own way, but goods and passengers that are on their way from one State to another are placed under the regulation of the federal government.

The power of Congress over interstate commerce is comprehensive and far-reaching. It extends to the instruments of commerce,—to canals and vessels and railways and telegraph lines, and to the persons engaged in it, as well as to the articles of commerce themselves. Under the provisions of the interstate commerce clause a State is not permitted to discriminate by taxation or otherwise against residents of other States, or against business carried on by them in the State.

III. *The Interstate Commerce Commission.* The most important agency for regulating interstate commerce is the Interstate Commerce Commission (p. 35), which was established by Congress in 1887. The law which created this commission requires that freight and passenger rates shall be just and rea-

sonable, that there shall be no discrimination between persons and localities; it provides that there shall be proper facilities for the interchange of traffic between connecting lines; it forbids the issuance of free interstate passes; it requires that railroads print and make public their freight and passenger rates. A supplemental law (the Elkins law, passed in 1903) forbids rebates and provides that rates lower than those published shall not be charged. It is the duty of the Interstate Commerce Commission to carry these provisions into effect.

In 1906 Congress gave the Commission, upon the complaint of an interstate shipper (or passenger), the power to do away with a rate which it regards as unjust or unreasonable, and to fix a new rate which it regards as just and reasonable. In 1910 Congress went a step further and empowered the Commission to make investigations of its own motion, and when it finds certain rates unreasonable and unjust, to change them, even though there has been no complaint whatever. Moreover, by the law of 1910 new rates may be suspended in their operation by the order of the Commission, and if upon investigation they are found by that body to be unjust and unreasonable they cannot go into operation at all. The railroads, however, have the right to appeal to the federal courts where the decisions of the Commission may be overruled. The control which the Interstate Commerce Commission exercises over railroad rates makes it an agency of vast importance and power.

In 1916 Congress created a Shipping Board for the

purpose of encouraging, developing and creating a naval auxiliary and reserve and a merchant marine to meet the requirements of the commerce of the United States. The Board is composed of five commissioners appointed by the President. The Board is authorized to purchase, lease, or charter vessels suitable for marine trade and it may operate such vessels itself or lease them to be operated by others. It has large powers in respect to the regulation of the rates and fares charged by vessels engaged in foreign or interstate commerce.

CHAPTER XIX

CORPORATIONS

I. *Individual Enterprise.* The great private corporation of to-day is the outcome of changes which have been occurring in commerce and industry during the last two centuries. Before the eighteenth century commerce and industry were organized on the basis of individual effort. Cloth was woven in a shop in which there was but one loom, and the operator of the loom was its owner. The man who ground the grain was the owner of the mill. Shoes were made by the owner of the shop. Passengers were conveyed from town to town in a coach owned by its driver. And so it was in all the trades and occupations: they were all organized and conducted on the basis of individual enterprise.

About the middle of the eighteenth century a great change began to come over the face of industry. In 1733 John Kay invented the flying shuttle and thereby doubled the efficiency of the loom. A few years later water power was applied to the loom. One man could now operate two looms, and could weave four times as much cloth as could be woven before. In 1769 Arkwright brought out his wonderful spinning-machine, and in the same year Watt patented his condensing

steam-engine. These inventions reorganized the textile industry. Instead of the little shop with its single loom and weaver, there appeared the great factory with its hundreds of looms and scores of operators. As it was with weaving, so it was with other industries: inventions and improved machinery caused nearly all of them to be conducted on a new plan.

II. *The Partnership.* How was this reorganization accomplished? How were the humble shops of the seventeenth century transformed into the huge factories of the eighteenth century? By a combination of the wealth and services of individuals. The single craftsman did not have enough money to build a factory and equip it with machinery, so several persons combined their capital and formed a *partnership.* The partnership as a legal form of business association is almost as old as recorded history, yet it had never before been brought into such frequent use as during the industrial revolution of the eighteenth century. The two important legal characteristics of a partnership are: (1) the partners are individually liable for the debts of the partnership; (2) the death of one of the partners brings the partnership to an end. A partner is liable, therefore, to lose his entire fortune in paying the debts of the partnership, and the partnership is liable to be brought to an end at any moment.

III. *The Corporation.* The colossal enterprises which were inspired by the appearance of the steamboat and the locomotive and the telegraph in the first half of the nineteenth century could not be satisfac-

torily conducted under the partnership form of association. Here was a railroad to be built at a cost of five million dollars. The people of the region through which the road was to pass favored the enterprise and were ready to invest their funds in it, but men with money were loath to enter into a partnership for building the road because they feared that the enterprise might fail and that they might be ruined by the debts of the partnership. Besides they could not tell when the enterprise would be brought to an end by the death of a partner. To meet these objections of investors the corporation was brought into use. The corporation does not die with the death of a member but lives on for the period given to it by law, if that is for a thousand years. This immortality of the corporation gives time for the accomplishment of great things. Another advantage of the corporation over the partnership is that the shareholders in a corporation are not individually liable for the entire debt of the company. Furthermore, the shares in a corporation can be easily and quickly transferred and sold when the holder wishes to dispose of them. Through the agency of the corporation the building of the coveted railroad was made possible. To raise the money fifty thousand shares of one hundred dollars each were offered to the farmers and merchants and mechanics and capitalists of the communities to be benefited by the road, and shares were taken according to each one's ability and willingness to invest, some taking a single share, others ten shares, others a hundred shares. In this way

thousands of people assisted in the building of the road and in the development of the country, and thousands shared in the profits. As it was with the railroad, so it was with many other undertakings: about the middle of the nineteenth century the corporation began to be brought into general use in the organization of industry and commerce.

The charters under which corporations conduct business are nearly always granted by State authority. The Constitution of the United States has no specific provisions in reference to corporations, yet Congress can and does grant charters to corporations organized for carrying on enterprises which come within the range of federal authority. For example, Congress under its power to regulate the currency has granted charters to national banks; under its power to regulate interstate commerce it has granted charters to transcontinental railway companies. As a rule, however, the creation and regulation of corporations are State functions. How important these functions are may be seen in the State constitutions, where the article on corporations sometimes requires as much space as is given to one of the three great departments. "Formerly," says Justice Brewer, "there were two factors, the individual and the State; now there are three, the individual, the State and the corporation."

About 1880 the great corporations began to devise methods of protecting themselves against the ravages of competition. While competition gives life to trade it at the same time plays havoc with profits. Especially is this true in these times, when a salesman with

the aid of the telephone and telegraph can do as much higgling and bargaining in an hour as could be done a hundred years ago in a month, and when new inventions and processes are constantly reducing the cost of production. So in order to stifle competition, the corporations began to pool their interests and enter into agreements as to prices and as to the amount of goods to be produced. In a few years corporate combination had been carried so far that it seemed that the principle of competition in business would have to die and that the principle of monopoly would be established. Now monopoly is not only contrary to the constitutions of most of the States, but it is also contrary to the commercial instincts of the American people. So in order to check the growth of monopoly, Congress, in 1890, passed the Sherman Anti-Trust Act. This famous statute declares that every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade, or commerce among the several States, is illegal, and it provides that persons entering into such contracts or engaged in such combinations shall be liable to a heavy fine or to imprisonment, or to both fine and imprisonment.

The Anti-Trust law did not prevent the growth of corporate combinations. The corporations continued to merge and blend their interests and by the opening of the twentieth century, one-third of the total products of all industries, excluding that of agriculture, had been brought under the control of corporate combinations, or trusts so-called.

Congress in 1913 undertook to strengthen the

Sherman Law by passing a supplementary act known as the Clayton Trust Bill. The Clayton law makes it unlawful for any concern to discriminate in price between different purchasers where the effect of such discrimination is substantially to lessen competition or create a monopoly in any line of trade; it forbids any corporation from acquiring the whole or any part of the stock of another corporation where the effect of such acquisition may substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition; it forbids directors in certain classes of corporations to serve as directors in corporations conducting the same line of business. In 1914 Congress took another step forward in the warfare against monopoly. It declared *unfair* methods of competition to be unlawful and it established the Federal Trade Commission and gave it power to prevent persons, partnerships, and corporations (excepting banks and railroads) from using unfair methods in trade. This commission is composed of five members appointed by the President at a salary of $10,000 a year. When the commission finds that a person or corporation is using unfair methods of competition it may order the offender to desist and if the order is not obeyed the offender is liable to be brought before the Circuit Court of Appeals where the order of the Commission may be affirmed or set aside as the court shall determine. If the order is affirmed the offender is liable to be punished if he does not desist from his unfair practices.

APPENDIX A

[THE CONSTITUTION

OF THE

UNITED STATES OF AMERICA]

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America. 1

ARTICLE I

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. 2

SECTION 2. The House of Representatives shall be composed of Members chosen every 3

second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three-fifths of all other Persons.[1] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts *eight,* Rhode-Island and Providence Planta-

tions one, Connecticut five, New Y
New Jersey four, Pennsylvania eig
ware one, Maryland six, Virginia te
Carolina five, South Carolina fi
Georgia three.

When vacancies happen in the
sentation from any State, the Execu
thority thereof shall issue Writs of
to fill such Vacancies.

The House of Representatives sha
their Speaker and other Officers; a
have the sole Power of Impeachment.

SECTION 3. The Senate of the Unite
shall be composed of two Senator
each State, chosen by the Legislature
for six Years; and each Senator sha
one Vote.

Immediately after they shall be ass
in Consequence of the first Election
shall be divided as equally as may
three Classes. The Seats of the Sena
the first Class shall be vacated at the
ration of the second Year, of the second
at the Expiration of the fourth Year,
the third Class at the Expiration
sixth Year, so that one-third may be
every second Year; and if Vacancies h
by Resignation, or otherwise, during t
cess of the Legislature of any State
Executive thereof may make tempora

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pointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the age of thirty Years, and been nine Years a citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to indict-

ment, Trial, Judgment and Punishment, according to Law.

SECTION 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two-thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in

their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the desire
30 of one-fifth of those Present, be entered on the Journal.

Neither House, during the Session of Con-
31 gress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representa-
32 tives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Fel-
33 ony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during
34 the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during
35 such time; and no Person holding any Office under the United States, shall be a Member

of either House during his Continuance in Office.

SECTION 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it,

unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof,

and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; 50

To establish Post Offices and post Roads; 51

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; 52

To constitute Tribunals inferior to the supreme Court; 53

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations; 54

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water; 55

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; 56

To provide and maintain a Navy; 57

To make Rules for the Government and Regulation of the land and naval Forces; 58

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; 59

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to

the States respectively the Appointment of
60 the officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

61 To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Govern-
62 ment and of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

63 To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

[SECTION 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.]

The Privilege of the Writ of Habeas Cor- 64
pus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law 65
shall be passed.

No Capitation, or other direct, Tax shall 66
be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles 67
exported from any State.

No Preference shall be given by any Regu- 68
lation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treas- 69
ury, but in Consequence of Appropriations
made by Law; and a regular Statement and 70
Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by 71
the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

SECTION 1. The executive Power shall be *vested in a* President of the United States of

America. He shall hold his Office during the
Term of four Years, and, together with the 79
Vice President, chosen for the same Term, be
elected, as follows

Each State shall appoint, in such Manner 80
as the Legislature thereof may direct, a Num-
ber of Electors, equal to the whole Number
of Senators and Representatives to which 81
the State may be entitled in the Congress:
but no Senator or Representative, or Person
holding an Office of Trust or Profit under the
United States, shall be appointed an Elector.

[The Electors shall meet in their respec-
tive States, and vote by ballot for two Per-
sons, of whom one at least shall not be an 82
Inhabitant of the same State with them-
selves. And they shall make a List of all the
Persons voted for, and of the Number of
Votes for each; which List they shall sign
and certify, and transmit sealed to the Seat
of the Government of the United States,
directed to the President of the Senate. The
President of the Senate shall, in the Pres-
ence of the Senate and House of Representa-
tives, open all the Certificates, and the Votes
shall then be counted. The Person having
the greatest Number of Votes shall be the
President, if such Number be a Majority of 83
the whole Number of Electors appointed;
and if there be more than one who have such
a Majority, and have an equal Number of

Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having
84 one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of
85 Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen,
86 or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that
87 Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties 88
of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, 89
Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation which 90
shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or af- 91
firm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. The President shall be Com- 92
mander in Chief of the Army and Navy of the United States, and of the Militia of the

several States, when called into the actual
93 Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the Executive Departments, upon any Subject relating to the
94 Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make
95 Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the
96 Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the
97 supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Con-
98 gress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up
99 all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION 3. He shall from time to time give

to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compen-

sation, which shall not be diminished during their continuance in Office.

SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases
107 affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies
108 to which the United States shall be a Party;—to Controversies between two or more
109 States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme
110 Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of
111 Impeachment, shall be by Jury; and such

Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION 3. Treason against the United 112
States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No
Person shall be convicted of Treason unless 113
on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare 114
the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

SECTION 1. Full Faith and Credit shall be 115
given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION 2. The Citizens of each State shall 116

be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Trea-
117 son, Felony, or other Crime, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to remove to the State having Jurisdiction of the Crime.

[No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be done.]

118 SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State, nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

119 The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the *United* States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasions; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements en-
125 tered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the
126 United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State
127 shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath
128 or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII

129 The Ratification of the Conventions of *nine* States, shall be sufficient for the Estab-

lishment of this Constitution between the States so ratifying the same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. **In** 130 **Witness** whereof We have hereunto subscribed our Names,

G°: WASHINGTON—*Presidt.*
and deputy from Virginia

Attest WILLAM JACKSON *Secretary*

New Hampshire	JOHN LANGDON NICHOLAS GILMAN
Massachusetts	NATHANIEL GORHAM RUFUS KING
Connecticut	WM. SAML. JOHNSON ROGER SHERMAN
New York	ALEXANDER HAMILTON
New Jersey	WIL: LIVINGSTON DAVID BREARLEY WM. PATERSON JONA: DAYTON

Pennsylvania	B. Franklin Thomas Mifflin Robt. Morris Geo. Clymer Thos. Fitz Simons Jared Ingersoll James Wilson Gouv Morris
Delaware	Geo: Read Gunning Bedford jun John Dickinson Richard Bassett Jaco: Broom
Maryland	James McHenry Dan of St Thos. Jenifer Danl Carroll
Virginia	John Blair— James Madison Jr.
North Carolina	Wm: Blount Richd. Dobbs Spaight Hu Williamson
South Carolina	J. Rutledge Charles Cotesworth Pinckney Charles Pinckney Pierce Butler
Georgia	William Few Abr Baldwin

ARTICLES

IN

ADDITION TO, AND AMENDMENT OF

THE

CONSTITUTION OF THE UNITED STATES OF AMERICA

PROPOSED BY CONGRESS AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE CONSTITUTION

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

135 No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

136 The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

137 No person should be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in the time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be

deprived of life, liberty, or property, without 138
due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public 139
trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for 140
obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

ARTICLE VII

In suits at common law, where the value 141
in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII

142 Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

143 The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X

144 The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI

145 The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

ARTICLE XII

146 The Electors shall meet in their respective States, and vote by ballot for President and

Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in 147
distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in 148
choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary

to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII

149 SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to

enforce this article by appropriate legislation.

ARTICLE XIV

SECTION 1. All persons born or naturalized in the United States, and subject to 150
the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any 151
law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of 152
law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States accord- 153
ing to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of 154

representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the
155 United States shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public
156 debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not
157 be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any

slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have 158
power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV

SECTION 1. The right of citizens of the 159
United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI

The Congress shall have power to lay and collect taxes on incomes from whatever 160
source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The 161

electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

APPENDIX B

NEW YORK STATE ELECTION LAWS

General Election. The General Election takes place each year on the Tuesday after the first Monday in November, the polls being open continuously from 6 A. M. until 5 P. M. A vote on national, state, county, city, town and village officers and on constitutional amendments and public questions is taken on this date in varying years. Every fourth year the General Election is on the same day as the National Presidential Election, when 45 electors for President and Vice President of the United States are elected by state-wide vote. The Governor, Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer are chosen at the General Election each even-numbered year. The state is represented in the national Senate by two senators, each holding office for six years. A new senator is elected at the General Election preceding the expiration of the term of the holder of the office. A Congressman from each of the 43 congressional districts is elected each even-numbered year, as well as a state senator from each of the 51 senatorial districts. An assemblyman from each of the 150 assembly districts is elected each year. The

fourteen-year terms of office of the seven judges of the court of appeals and of the supreme court judges expire in varying years, and their successors are chosen at the General Elections preceding the expiration of the terms. County officers are elected at the General Election in odd-numbered years, as are officers in first and second and some third class cities. Smaller communities have their elections on varying dates.

Qualifications of Voters. A qualified voter is a citizen who is or will be on the day of election 21 years old, who has been an inhabitant of the state for one year preceding the election, who has been a resident of the county for the last four months, who has been a resident of the election district in which he votes for the last 30 days. If a naturalized citizen he must in addition to the foregoing provisions have been naturalized at least 90 days prior to the election. Property-owning qualifications are necessary for voting on some town and village questions. The ownership of property taxable for school purposes or the guardianship of a child of school age is also necessary for voting in school district meetings.

Registration of Voters. Days are appointed annually in each district for the registration of voters. At this time are registered, the name, address, occupation and other statistics concerning the applicant. In cities and villages of 5,000 or more inhabitants only those may be registered who appear personally at the appointed time. In an election district sit-

uated wholly outside a city or village of 5,000 or more inhabitants the election inspectors register without personal application the names of those voting at the last General Election still living in the district and the names of such others as are shown to be qualified to be registered. On registration days registration may be made for any election in the district during the following year, provided the citizen will be qualified to vote on the day of election. A person who has been registered and who changes his residence within the same election district may state the change to the election inspectors on registration day or election day.

Official Primary Elections. An official primary election is held each year on the seventh Tuesday before the General Election. In the year of a National Presidential Election an additional official primary is held on the first Tuesday in April. On these days the political parties choose their candidates, the official polling places and regular election officers being used. Each primary is open for voting from 7 A. M. until 9 P. M., except in a city of more than 1,000,000 inhabitants, where the primaries are open from 3 P. M until 9 P. M. To be entitled to vote at an official primary election a citizen must have enrolled in the preceding year as a member of the party holding the election and must be qualified to vote on the day of election.

Party Enrollment. Party enrollment is made on registration day where personal registration is required. A person enrolled as a member of one po-

litical party may not enroll as a member of any other political party before the first day of the next registration except in the instance of one who has been an enrolled member of the same political party for five years. If by mistake such a person enrolls with a different political party, the enrollment may be cancelled upon application to the custodian of the primary records and the voter may again be enrolled with his party. One who becomes of age after the General Election may enroll as a member of a political party on or before the fourth Tuesday preceding an official primary election of the party. No voter may take part in any primary election of any party other than the party in which he is at that time enrolled. A voter already enrolled who moves into another election district in the same assembly district may at any time between February 1st and the thirtieth day before the annual primary election become enrolled therein as a member of the same party by making application to the proper official and filing an affidavit with the custodian of primary records.

Casting a Vote. A voter on entering the appointed polling place to vote at an election, gives his name and address to the election inspectors. If his right to vote is not challenged, the voter proceeds to the machine, or where ballots are used, a ballot or set of ballots is presented by the ballot clerks. At the head of each ballot are instructions for marking it. The marked ballot is returned to the inspector in charge of the ballot box. If the ballot or set of bal-

lots is spoiled others may be obtained, not exceeding three sets.

Time Allowed Employees to Vote. Any person entitled to vote at a General Election may absent himself from his service or employment for a period of two hours during the time that the polls are open. If the voter notifies his employer of such intended absence, time is designated by the employer and the voter is absent during the designated hours; or if the employer upon the day of such notice makes no designation and the voter is absent from business during any two consecutive hours while the polls are open, no deduction shall be made from his usual salary and no other penalty shall be imposed by the employer for such absence.

Party Committees. One member is elected from each assembly district in even-numbered years to the party state committee. One member is elected from each election district annually to the party county committee. Delegates and alternates to the national party convention are elected from congressional districts and from the state at large, the number from the state at large being limited to four delegates and alternates.

Designation of Candidates. Designation of candidates for party nomination or for election to party positions is by petition only, the number of signatures required varying according to the office and population of the community. No enrolled voter shall join in designating a greater number of candidates for any position than the number to be elected

thereto. All such petitions must be filed not earlier than the fifth Tuesday and not later than the fourth Tuesday preceding the primary at which the candidates are to be voted for.

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